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IN THE

Supreme Court of the United States

OCTOBER TERM, 1991

PLANNED PARENTHOOD OF SOUTHEASTERN PENNSYLVANIA, *ET AL.*,

Petitioners,

v.

ROBERT P. CASEY, *ET AL.*,

Respondents.

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v.

PLANNED PARENTHOOD OF SOUTHEASTERN PENNSYLVANIA, *ET AL.*,

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Third Circuit

Brief *Amicus Curiae* of 178 Organizations in Support of Planned Parenthood of Southeastern Pennsylvania

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QUESTIONS PRESENTED

1. Did the Court of Appeals err in upholding the constitutionality of the following provisions of the Pennsylvania Abortion Control Act:

   a. 18 Pa. Cons. Stat. Ann. § 3203 (definition of medical emergency)

   b. 18 Pa. Cons. Stat. Ann. § 3205 (informed consent)

   c. 18 Pa. Cons. Stat. Ann. § 3206 (parental consent)

   d. 18 Pa. Cons. Stat. Ann. §§ 3207, 3214 (reporting requirements)?

2. Did the Court of Appeals err in holding 18 Pa. Cons. Stat. Ann. § 3209 (spousal notice) unconstitutional?

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INTEREST OF *AMICI CURIAE*

This brief is filed on behalf of 178 organizations who support this Court's holding, in *Roe v. Wade*, 410 U.S. 113 (1973), and its progeny, that women have a fundamental right to decide whether to terminate their pregnancies and that restrictions on this fundamental right are subject to strict scrutiny.

The parties have consented to the filing of this brief; their letters to that effect have been filed separately in this Court. A complete list of *amici* and their statements of interest are set forth in the appendix to this brief.

SUMMARY OF ARGUMENT

"[T]he Constitution embodies a promise that a certain private sphere of individual liberty will be kept largely beyond the reach of government. That promise extends to women as well as men. Few decisions are more personal and intimate, more properly private, or more basic to individual dignity and autonomy, than a woman's decision -- with the guidance of her physician and within the limits specified in *Roe* -- whether to end her pregnancy." *Thornburgh v. American College of Obstetricians and Gynecologists*, 476 U.S. 747, 772 (1986). This case presents the question whether the Court should break that solemn promise.

For nearly two decades, this Court has told American women that their right to decide for themselves when and whether to bear children is a fundamental liberty interest protected by the due process clause of the Fourteenth Amendment. Never before has this Court entirely stripped millions of Americans of a right that has long been characterized as fundamental. Never before has it empowered the states to brand millions of Americans as criminals for making and acting upon a decision that it repeatedly assured them was theirs to make.

The conception of rights embraced by the Framers of the Constitution saw rights as *permanent* barriers to governmental invasion of fundamental liberties. To hold that they can be extinguished by judicial fiat thus flies in the face of the very meaning of "rights" embodied in our Constitution. For this Court to deprive women of the freedom they now possess

involves precisely the sort of denial or disparagment of rights retained by the people that the Ninth Amendment forbids.

The consequences of reversing *Roe* would be disastrous, for the millions of women who will be stripped of the most basic freedom to determine how to lead their lives and for this Court. The self-inflicted wound to this Court's credibility that would follow upon the reversal of *Roe* will only be exacerbated by the morass of constitutional problems this Court will subsequently face. The impossibility of surgically excising freedom of choice from the constitutional fabric powerfully demonstrates two things: the important prudential reasons for retaining *Roe* and *Roe*'s location squarely within the mainstream of constitutional law.

First, *Roe* provides an essential underpinning for the broader constitutional principle that state interference in critical medical and reproductive decisionmaking demands heightened scrutiny. The lower courts have drawn from *Roe* a set of principles that has enabled them to answer questions regarding an individual's right to accept or reject life-saving medical treatment, to refuse to have an abortion as well as to elect one, and to choose or decline sterilization, to name just a few. Without *Roe*, this emerging body of law risks serious incoherence. Moreover, unless this Court is prepared to revisit the entire question of individual autonomy in these intensely personal decisions, there is no defensible way of abandoning *Roe*.

Second, this Court should not be fooled into thinking that by overruling *Roe* it can free itself from facing a continuing series of challenges to state abortion regulations. To begin with, this Court cannot delegate to the states control over the constitutional meaning of personhood. *Roe* was right: a fetus is not a "person" for Fourteenth Amendment purposes. Moreover, if this Court implies to the states that it will no longer subject abortion regulations to heightened scrutiny because they limit the exercise of fundamental rights, it is likely to confront a range of both straightforward and ingenious attempts by states to deter

or penalize abortions. These schemes will raise serious constitutional problems under the First, Fourth, Fifth, Eighth and Fourteenth Amendments. Problems of interstate travel, conspiracy, limits on punishment and advertising, denial of public benefits, civil rights, and occupational privileges will all inevitably come before this Court as a consequence of the constitutional destabilization resulting from overruling *Roe*. The upshot, unless this Court is prepared to distort virtually all of constitutional law to give states a free hand in regulating abortion, will be a doctrinal crazy quilt replacing *Roe*'s approach. The hope that abortion regulation can be painlessly returned to state political processes, free of federal court intervention, is a mere illusion. This hallucination, if too confidently pursued, threatens to plunge the Court, and the Nation, into the most serious constitutional crisis since the New Deal.

ARGUMENT

I. THIS COURT SHOULD NOT WITHDRAW, FOR THE FIRST TIME IN OUR CONSTITUTIONAL HISTORY, A FUNDAMENTAL INDIVIDUAL RIGHT

Since 1973, an entire generation of Americans, both men and women, has grown to maturity in a society that told all its citizens, in the most solemn possible fashion, that decisions about when and how to have children were fundamentally protected from state interference. *Roe*'s recognition of the centrality of choice to women's lives reflects this simple truth: if women can be forced to endure unwanted pregnancies, they are not truly free.

Opponents of *Roe* have repeatedly urged this Court to strip women of this essential freedom, and return control over this most personal and intimate decision to state legislatures. Such a decision would commit the Court, and the Constitution of the United States itself, to a dangerous departure from its traditions. Never before has a fundamental right, widely exercised by a

generation of Americans who have known no other law, been removed by judicial fiat. Wisdom in the guidance of our constitutional culture, and respect for the very idea of a society committed to individual rights, counsels the Court not to entertain such a radical departure from the traditions of our people and our law.

A. *The Principle of Stare Decisis Applies Most Strongly to Cases Recognizing the Existence of Fundamental Rights*

One of the central problems of American jurisprudence is the reach of the principle of stare decisis. Certainly, the power to reconsider past holdings is central to the creation of a flexible, progressive, and vital legal order. But it is equally accepted, by all parties to the jurisprudential discussion, that respect for prior decisions under all but the most exigent circumstances is necessary in order to create the social stability promised by our commitment to the rule of law.

The balance between stability and flexibility is of particular concern in the area of constitutional law. It has been said many times that the principle of stare decisis is less strong in constitutional cases than in other contexts. *See, e.g., Payne v. Tennessee*, 111 S.Ct. 2597, 2610 (1991); *Patterson v. McLean Credit Union*, 491 U.S. 164, 172-173 (1989); *Glidden Co. v. Zdanok*, 370 U.S. 530, 543 (1962). Nonetheless, as the Court has repeatedly made clear, adherence to prior decisions is always required in the absence of "special justification." *See, e.g., Hilton v. South Carolina Public Railways Comm'n*, 112 S.Ct. 560, 564 (1991); *Arizona v. Rumsey*, 467 U.S. 203, 212 (1984). The requirement of special justification is of critical importance in the class of constitutional cases concerning fundamental rights, where abandonment of precedent should not occur merely because "the Court has felt obliged 'to bring its opinions into agreement with experience and with facts newly ascertained,'" *Vasquez v. Hillery*, 474 U.S. 254, 266 (1986) (quoting *Burnet v. Coronado Oil & Gas Co.*, 285 U.S. 393, 412 (1932) (Brandeis, J., dissenting)), or because of the "proclivities" of the Court's

changed membrship, *id.* at 265. This recognition that stare decisis is of greatest importance where fundamental rights are involved rests on two pillars: the very meaning of rights as permanent barriers to governmental invasion of individual autonomy except under the most compelling circumstances; and the inevitable distrust, in a democratic society, of the power of appointed judges to vitiate the rights of citizens by judicial "interpretation." Both of these considerations are of the utmost relevance to the present case.

1. *Our Constitution Protects Fundamental Rights Because They Provide* Permanent *Barriers to Governmental Oppression*

This Court held in *Roe* that the "right of privacy ... is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." 410 U.S. at 153. This right of privacy, like the right to vote in state elections and the right of interstate travel, *see Kramer v. Union Free School District*, 395 U.S. 621 (1969); *Edwards v. California*, 314 U.S. 160 (1941), has been recognized and invoked by the Court in a variety of factual settings, despite the absence of express words in the Constitution granting the right or requiring its protection by state and federal courts. In describing as a right the privilege to be free of state intervention in decisionmaking about the termination of pregnancy, the Court associated with that freedom all the attributes of "rights" as that word is used in our constitutional tradition. Opponents of the outcome in *Roe* now once again urge that this was a decision merely for a day, to be cast aside an instant later in the interest of the achievement of other social goals.

Such urgings are based on a conception of the meaning of the word "right" entirely inconsistent with our constitutional tradition. For the statesmen and lawyers who made that Constitution, rights were *permanent* limitations on government. The frame of government which they devised, and for which they believed Revolutionary armies fought and died, was intended precisely to ensure the permanence of rights, by

establishing barriers against future governmental decisions, no matter how nobly inspired, that would nullify the freedoms of the people. Security for rights -- protection against changes of opinion by the executive, the legislature, or the courts -- was a primary goal of those whose civic courage founded our Nation and its commitment to a free society. Constantly in the language of the Revolutionary generation one encounters the recognition that rights are forever, and that a just government must so treat them. As the conservative New York lawyer James Duane put it at the first Continental Congress:

> It is now essential to place our Rights on a broader & firmer Basis to advance and adhere to some solid and Constitutional Principle which will preserve Us from future Violations -- a principle clear & explicite and which is above the Reach of Cunning, & the Arts of oppression.

See 1 Letters of Delegates to Congress: 1774-1789, at 52-53 (P. Smith ed. 1976). Recent scholarship has demonstrated more clearly than ever before the enormous importance the Founders accorded this precise issue of "security of rights," and the primary significance of the uncertainty of rights in a period of parliamentary colonial legislation in bringing on the American Revolution. *See* 1 John Phillip Reid, The Constitutional History of the American Revolution: The Authority of Rights 227-37 (1986).

Thus, the Founders perceived permanence as the essential attribute of rights, and recognition of that permanence as the essential feature of a just constitution. To refuse recognition to rights once known and exercised by the people was the most basic act by which a government lost its legitimacy. Stare decisis in the context of cases that recognize the application of fundamental rights is not merely a prudential principle, nor is it solely a policy arising from a desire for predictability in the legal system. In the present context, when those who disapprove of the exercise of a constitutional right request this Court to withdraw recognition by overruling precedents more deferential

to freedom, stare decisis is the essence of the constitutional order. To accept the invitation to overrule *Roe v. Wade* is to accept an invitation to change the very meaning of the word "rights" in our constitutional tradition -- the most profound and dangerous constitutional deviation in the last two centuries. The Court should decline the invitation; indeed, the Constitution explicitly commands the Court to do so.

2. *The Ninth Amendment Counsels Strict Adherence to Precedent in Cases Recognizing Fundamental Rights*

The constitutional right to privacy in reproductive decisionmaking, like the rights to vote in state elections, to travel between states, or to marry, *see Kramer v. Union Free School District*, 395 U.S. 621 (1969); *Edwards v. California*, 314 U.S. 160 (1941); *Loving v. Virginia*, 388 U.S. 1 (1967), is not explicitly recognized in the wording of the Bill of Rights. The Court has found that right to emanate in concert from several of the Constitution's provisions, including "the Fourteenth Amendment's concept of personal liberty," and "the Ninth Amendment's reservation of rights to the people." *Roe*, 410 U.S. at 153; *see also Griswold v. Connecticut*, 381 U.S. 479, 486 (1965) (Goldberg, J., concurring). *Amici* agree with the Court's position in *Roe* that the Ninth Amendment may provide substantive support for the recognition of the privacy right. But in the unique circumstances of the case at bar, in which the Court is asked to overrule precedents recognizing a fundamental right, the role of the Ninth Amendment is both more direct and more imperative.

Opponents of *Roe* have repeatedly argued that the judicial recognition of a right of privacy somehow constitutes "judicial legislation" inappropriate to a democratic society. This position has been staunchly maintained despite the Ninth Amendment: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." The Amendment clearly states that there are rights requiring governmental recognition and judicial enforcement that are not enumerated anywhere in the Constitution. The

plain words of the amendment, as scholars have recognized, *see, e.g.*, Charles Black, *On Reading and Using the Ninth Amendment* in Power and Policy in Question of Law 187 (M. McDougal & W.M. Reisman eds. 1985); Randy E. Barnett, *Foreword: The Ninth Amendment and Constitutional Legitimacy*, 64 Chi.-Kent L. Rev. 37, 56 (1988), counsel the Court against any principle of constitutional adjudication that ranks unenumerated rights below the status of enumerated rights, or that denies such rights any constitutional status.

This reminder of the value of unenumerated rights is the primary function of the Ninth Amendment under ordinary circumstances. But the Amendment has more than a hortatory purpose, as its expression in mandatory language shows. Construction of the Constitution "shall not ... deny or disparage" rights possessed or "retained" by the people. This prohibitory phrasing again reminds us how strongly the Founders sought to entrench rights as permanent barriers to governmental interference in the lives of the people. Moreover, and in the context of this case even more importantly, it reminds us that the Framers sought to quiet the reservations of anti-Federalists who feared that an independent federal judiciary would construe the rights of the people out of existence at its own convenience. *See, e.g.*, Robert Yates, Letter from Brutus No. XI, *The New York Journal and Weekly Register*, Jan. 31, 1788, *reprinted in* The Antifederalists 334-42 (C. Kenyon ed. 1966) (objecting to giving a federal supreme court unfettered discretion to interpret the Constitution). Unlike *Roe*'s detractors, who have speciously argued that judicial recognition of unenumerated rights violated the spirit of the Constitution, the Ninth Amendment's authors were concerned with the much more serious problem of insufficient judicial respect for rights actually exercised by the citizenry of the nation.

The case at bar presents precisely the situation the Founders feared. The right to decide whether to terminate a pregnancy has been exercised by an entire generation of Americans, with the support and protection of this and other courts. The most recent Gallup Poll showed that 64 percent of

the respondents support the decision in *Roe*. Larry Hugick, *Abortion: Public Support Grows for* Roe v. Wade, Gallup Poll News Service, Jan. 18, 1992, at 2 (Vol. 56, No. 34a). Millions of American women have ordered their lives around their understanding that they have a fundamental constitutional right to terminate unwanted pregnancies. The State now urges this Court to reinterpret the Constitution so as to deny or disparage this right. But the Ninth Amendment admonishes us that the people, not the courts, retain and exercise rights. The role in which this Court is cast by the Constitution, as the ultimate arbiter of constitutional meaning, is powerful indeed. But that power, the Amendment tells us, must be exercised by way of a stewardship over all our rights, whether or not enumerated in the document itself. It is not for appointed judges, in the democracy our Founders made, to interpret rights out of existence by overruling the precedents that support them.

The principle of stare decisis has many functions, and the strength of the principle on any particular occasion is no doubt proportional to the importance of the purpose that it serves. Adherence to precedent in the present case serves the purpose of the Ninth Amendment -- to make Americans eternally secure in the conception of a society under law, with a government limited by its recognition of permanent fundamental barriers, protecting its citizens alike against the reach of cunning and the arts of oppression. This Court should reaffirm the principle of the Ninth Amendment, that rights, once recognized, must be cherished and protected, lest the entire edifice of constitutional freedom crumble away forever.

B. *The Withdrawal of a Fundamental Right Widely Exercised by Americans after a Generation of Recognition Will Result in Unprecedented Strain on the Institution of the Court*

The history of this Court reveals the close connection between the influence of the Court as an institution and the public acceptance of its holdings in critical constitutional cases. The Court's decision in *Dred Scott v. Sandford*, 19 How. 393

(1857), and the line of decisions invalidating economic recovery legislation between 1934 and 1937 brought the influence of the Supreme Court in American life to its historical minima. Charles Evans Hughes, who was to guide the Court through the second of these crises, looked back on the first as the most serious of the Court's self-inflicted wounds. *See* Charles Evans Hughes, The Supreme Court of the United States 50 (1927). Both episodes resulted primarily in damage to the prestige of the institution; each created the impression for the generation of Americans who looked on that the Court was prepared to wager and lose its legitimacy in pursuit of a controversial substantive program. But none of these cases went so far as to deprive the majority of American citizens of a widely recognized and exercised constitutional right. The consequences of such a decision, and the resulting change in the role of the Court in the American democracy, are grave indeed. Never before in our history has the Court set out on such a profound and perilous undertaking.

The social forces likely to be unleashed by such a decision, however incalculable their effect, are easily described, and nowhere better than by Justice Holmes himself. "A thing which you have enjoyed and used as your own for a long time, whether property or an opinion, takes root in your being and cannot be torn away without your resenting the act and trying to defend yourself, however you came by it. The law can ask no better justification than the deepest instincts of man." O.W. Holmes, Jr., *The Path of the Law*, 10 Harv. L. Rev. 457, 477 (1897). The explicit withdrawal or vitiation of a recognized fundamental personal right, exercised by an entire generation of Americans for whom it was as integral to the "concept of ordered liberty," *cf. Palko v. Connecticut*, 302 U.S. 319, 325 (1937), as freedom of speech or the free exercise of religious observance, will provide an eloquent demonstration of the truth of Holmes' observation. Sadly, the object of rage will be the institution of the Court itself.

Nor can the Court hope to lessen the consequences of this fateful gamble in constitutional law-making by returning to the

states the primary responsibility for delimiting the scope and limitations of the right to choose for oneself when and how to bear children. The right originally recognized in *Roe v. Wade* has become so deeply embedded in our constitutional law during the past generation, and the ancillary legal consequences of its withdrawal raise so many vexing questions of federal constitutional dimension, that the Court must expect to face intractable problems by accepting the State's dangerous invitation to this novel constitutional experiment.

II. *ROE* PROVIDES THE ESSENTIAL UNDERPINNING FOR THE BROAD CONSTITUTIONAL PRINCIPLE THAT STATE INTERFERENCE IN CRITICAL MEDICAL AND REPRODUCTIVE DECISIONMAKING IS SUBJECT TO HEIGHTENED SCRUTINY

This Court has repeatedly recognized that "the Constitution embodies a promise that a certain private sphere of individual liberty will be kept largely beyond the reach of government," *Thornburgh*, 476 U.S. at 772, and that state intrusion into this sphere demands strict scrutiny. *Roe* held that this domain is "broad enough to encompass a woman's decision whether or not to terminate her pregnancy." 410 U.S. at 153. *Roe* enabled millions of American women to enter the work force, continue their education, fulfill their responsibilities to their families, and escape the devastating consequences of illegal abortions or forced pregnancies that had threatened the lives of countless women before them.

As this Court has repeatedly recognized, *Roe* was a logical and appropriate outgrowth of a long line of cases recognizing a fundamental right to privacy and autonomy in matters of childbearing and family life. *See, e.g., Eisenstadt v. Baird*, 405 U.S. 438 (1972) (contraception); *Loving v. Virginia*, 388 U.S. 1 (1967) (marriage); *Skinner v. Oklahoma*, 316 U.S. 535 (1942) (procreation); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925) (childrearing). And, since *Roe*, this Court and the lower courts, both state and federal, have relied on *Roe* and its progeny to

identify other intimate, personal choices that lie within the protected ambit of the Fourteenth Amendment's liberty interest. The breadth of the reliance on *Roe*'s analytic framework means that *Roe* cannot be surgically excised from the jurisprudence of liberty and privacy interests. Moreover, its centrality offers a powerful defense of its correctness.

A. *The Lower Courts Have Relied on* Roe *Both to Identify and to Afford Heightened Protection to a Range of Liberty Interests*

Just as *Roe* relied on a variety of precedents -- involving such areas as marriage, procreation, contraception, and child rearing, *see Roe*, 410 U.S. at 152-53 -- so, too, in the wake of *Roe* courts have relied on its analysis to address a range of other critical choices. Some of these choices involve other reproductive decisionmaking. In *Arnold v. Board of Education of Escambia County*, 880 F.2d 305, 311 (11th Cir. 1989), for example, the court of appeals reasoned from *Roe* that "[r]esolution of the childbearing decision embraces two alternatives," abortion and carrying a pregnancy to term. "*Both* alternatives enjoy constitutional protection from unwarranted governmental interference," and thus state coercion of abortion gave rise to a cause of action under 42 U.S.C. § 1983. *Id.* (emphasis added). More broadly, in *Avery v. County of Burke*, 660 F.2d 111, 115 (4th Cir. 1981), the court of appeals relied on *Roe*'s vesting of reproductive control in the individual to permit a section 1983 lawsuit to proceed against a county agency that had erroneously induced the plaintiff to undergo an unwarranted sterilization. In short, courts have rested both the right to choose abortion or sterilization and the right *not* to choose those procedures atop *Roe*. And they have also relied on *Roe* to explain why protection of these complementary sets of rights requires strict scrutiny of state interference, in *either* direction. *See, e.g., In re Conservatorship of Valerie N.*, 707 P.2d 760, 772-74 (Cal. 1985); *In re A.W.*, 637 P.2d 366, 369 (Colo. 1981); *In re Grady*, 426 A.2d 467, 473-74 (N.J. 1981).

Other choices involve the issue of autonomy in medical decisionmaking more generally, and here too, *Roe*'s analytical framework has proved critical to fleshing out the contours of the rights involved. In *Cruzan v. Director, Missouri Department of Health*, 110 S.Ct. 2841, 2851 (1990), this Court recognized that "a competent person has a constitutionally protected liberty interest in refusing unwanted medical treatment"; although the Court's opinion did not resolve the level of scrutiny to be used in reviewing governmental restrictions on that interest, five justices recognized that interest to be fundamental, *see id.* at 2857 (O'Connor, J., concurring), 2864 (Brennan, J., joined by Marshall and Blackmun, JJ., dissenting), and 2885 (Stevens, J., dissenting). *Cruzan*, however, did not really delineate the contours of this liberty interest. That task has been accomplished to a significant degree by state courts, many of which relied expressly on *Roe* to justify their conclusions. *See, e.g., Norwood Hospital v. Munoz*, 564 N.E.2d 1017, 1021, 1024 (Mass. 1991); *Hondroulis v. Schumacher*, 546 So.2d 466, 472 (La. 1989); *Rasmussen v. Fleming*, 741 P.2d 674, 681-82 (Ariz. 1987); *cf. In re A.C.*, 573 A.2d 1235, 1243 (D.C. 1990).

Of special salience to this case, a number of courts have held that competent adults have the fundamental right to refuse life-saving treatment for themselves despite the impact of their death on already-born children. *See, e.g., Munoz*, 564 N.E.2d at 1019, 1021, 1024; *Fosmire v. Nicoleau*, 551 N.Y.S.2d 876, 882-83 (N.Y. 1990); *Wons v. Public Health Trust of Dade County*, 500 So.2d 679, 685, 687 (Fla. Dist. Ct. App. 1987), *aff'd*, 541 So.2d 96 (Fla. 1989). In these cases, courts have held that an *individual*'s core autonomy with regard to medical treatment trumps the competing interests both of the state and of identifiable third parties in prolonging that individual's life against her will. *Cf. Thornburgh v. American College of Obstetricians and Gynecologists*, 476 U.S. at 777 n. 5 (Stevens, J., concurring) ("the concept of privacy embodies the 'moral fact that a person belongs to himself and not others nor to society as a whole'") (quoting Charles Fried, *Correspondence*, 6 Phil. & Pub. Affairs 288-89 (1977)). In short, *Roe* has provided the foundation for understanding the fundamental, albeit not

unlimited, right to bodily integrity in a variety of life-and-death decisions.

B. *Coherence in the Treatment of these Liberty Interests in Both Abortion and Non-Abortion Contexts Requires the Reaffirmation of* Roe

The only way of achieving a coherent treatment of the various liberty interests involved is to apply heightened scrutiny to all restrictions burdening those interest. If this Court is determined to abandon the narrow holding of *Roe* -- that decisions whether to terminate a pregnancy lie within the protected sphere -- it must rationalize the protection of the remaining liberty interests.

To describe this as a deeply problematic operation would be an understatement. To say that "the liberty guaranteed by the Due Process Clause must protect, if it protects anything, an individual's deeply personal decision to reject medical treatment," *Cruzan*, 110 S.Ct. at 2857 (O'Connor, J., concurring), without endorsing its corollary -- that the Due Process Clause also protects an individual's deeply personal decision to obtain medical treatment, including an abortion -- risks serious incoherence. On what grounds could a court say that a state needs more than a rational basis (founded on its interest in preserving life) to forbid women to refuse life-sustaining medical treatment if this Court holds that it needs only that to forbid an abortion? Similarly, on what grounds can the courts rein in governmental pressure on vulnerable women *to* have abortions if decisional autonomy over the abortion decision is not a fundamental liberty interest vested in the individual?

Nothing in this Court's decisions, or the applications of *Roe* and its progeny in the lower courts, provides any principled way of maintaining the heightened protection of these other liberty interests if *Roe* is abandoned. That *Roe* assists in providing a framework for answering so many vexing questions of the relationship among individuals, their families, their doctors, and the government counsels strongly against forsaking it.

III. THE DESTRUCTIVE REPERCUSSIONS OF GIVING STATES A FREE HAND IN REGULATING ABORTION SHOULD DISSUADE THE COURT FROM ABANDONING *ROE'S* REQUIREMENT OF HEIGHTENED SCRUTINY

Roe's critics are quite seriously mistaken in assuming that, if *Roe* is repudiated, questions regarding abortion can be returned entirely to the states and this Court can avoid articulating "detailed," "intricate" rules regarding the constitutionality of abortion regulations. *See, e.g., Webster v. Reproductive Health Services*, 492 U.S. 490, 518 (1989) (opinion of Rehnquist, C.J.); *id.* at 535 (Scalia, J., concurring in part and concurring in the judgment); *Thornburgh*, 476 U.S. at 789 (White, J., dissenting). Short of this Court's completely abdicating its constitutional responsibilities, it will remain embroiled in policing state regulation of abortion-related activities. Existing state and federal statutes will present the Court with a variety of unpalatable choices. Other readily foreseeable state restrictions will pose even more intractable problems. Quite simply, abortion will remain deeply enmeshed in questions of federal constitutional law.

Now is the time to resolve some of these questions. First, the Court should reaffirm one of *Roe*'s central premises: because the fetus is not a "person" within the meaning of the Constitution, states cannot subordinate women's freedom to the preservation of non-viable fetuses. *Roe*, 410 U.S. at 156-59. Second, the Court should acknowledge that as long as a woman's decision to end her pregnancy is an "indisputable" liberty interest protected by the due process clause, *Thornburgh*, 476 U.S. at 790 (White, J., dissenting, joined by Justice Rehnquist); *see also, e.g., Hodgson v. Minnesota*, 110 S.Ct. 2926, 2949 (1990) (O'Connor, J., concurring in part and concurring in the judgment in part); *Webster*, 492 U.S. at 520 (opinion of Rehnquist, C.J., joined by White and Kennedy, JJ.), the Court must be prepared to prevent states from essentially regulating

that liberty out of existence. Careful consideration shows the enormous dangers of abandoning *Roe*.

A. Roe*'s Central Holdings--that a Fetus is Not a Person and that States Have No Compelling Interest in Protecting Non-Viable Potential Life--Are Correct, and Prohibit States from Depriving Women of Their Fundamental Freedoms*

Roe squarely held that a fetus is not a "person" within the meaning of the Fourteenth Amendment. *Roe*, 410 U.S. at 156-59. That holding represents the only plausible reading of the constitutional text.[1] *Roe* also held that states have no compelling interest in non-viable potential life, and therefore cannot override women's constitutional liberty interest in making this decision for themselves. To overturn either holding would permit entirely unpalatable interference in women's lives. And to hold that a fetus is a "person" within the meaning of the Fourteenth Amendment would both require such interference and dramatically destabilize existing law.

To permit states to define their interest in fertilized ova as compelling from the moment of conception would allow state regulation of pregnant women that extends far beyond prohibiting abortion. The Court must be prepared, in fact, to

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1 To permit individual states to define the boundaries of personhood would essentially repeal the Fourteenth Amendment. The due process and equal protection clauses cannot perform their intended function if a state is free to evade their commands by determining that the entity against which it seeks to act is not a "person." Moreover, that the Constitution never contemplated giving states the power to define constitutional personhood can also be seen from the apportionment clauses (Art. I, § 2 and section 2 of the Fourteenth Amendment): if each state were free to determine for itself what should be counted as a "person," the allocation of congressional seats among the states would be susceptible to improper manipulation.

return to the discredited mindset of *Muller v. Oregon*, 208 U.S. 412, 422 (1908), that the "proper discharge of [a woman's] maternal functions -- having in view not merely her own health, but the well-being of the race -- justify legislation" limiting her rights in a way that men's rights cannot be limited. Only last Term, in *International Union, UAW v. Johnson Controls, Inc.*, 111 S.Ct. 1196, 1207 (1991), this Court held that "[d]ecisions about the welfare of future children must be left to the parents who conceive, bear, support, and raise them rather than to the employers who hire those parents." But if states can assert a compelling interest in protecting such fetuses, then states must be allowed to pass laws banning pregnant women from hazardous workplaces. Indeed, such a framework could even cast serious doubt on this Court's holding in *Cleveland Board of Education v. LaFleur*, 414 U.S. 632 (1974), that a mandatory four-month leave of absence for pregnant teachers violated the Fourteenth Amendment.

Treating states' interests in non-viable fetuses as compelling would sweep even further than merely state regulation of women's economic and career opportunities. It could subject women to restrictions on virtually every aspect of their everyday lives, on the grounds that the state's interest in the fetus outweighs a woman's general interest in controlling her own life. Does a pregnant woman, for example, have the same privilege as every other qualified adult to drive an automobile? *Cf. Stallman v. Youngquist*, 125 Ill. 2d 267, 531 N.E.2d 355 (1988) (child sued her mother for injuries sustained *in utero* as a result of an automobile accident). In short, if states are permitted to treat their interest in fetuses throughout pregnancy as a "compelling" one, they can completely subordinate women to the fetuses they carry.

Reversal of *Roe*'s holding that a fetus is not a "person" within the meaning of the Constitution would go even further, and could *require* the kinds of interference already described. But the radical consequences would not stop there. States would even be commanded to outlaw abortion, and to treat abortions on a par with homicide generally. Today, no state

punishes abortions as severely as it punishes murder.[2] *See Roe*, 410 U.S. at 157 n. 54. But if this Court were to hold that fetuses are "persons," then any state which punishes their intentional destruction (and it is hard to imagine a therapeutic abortion that is performed unintentionally) less harshly than the premeditated homicide of an already-born human being has violated the equal protection clause. *Cf. McClesky v. Kemp*, 481 U.S. 279, 329-30 (1987) (Brennan, J., dissenting) (noting that in antebellum Georgia "a person who willfully murdered a slave was not punished until the second offense," although the murder of a white person was punished either by death or by life imprisonment and that the penalties for raping black women were dramatically lower than the penalties for raping white women). Moreover, statutes permitting elective abortions for any reason other than to save the life of the mother[3] would deny due process of law by delegating life-and-death decisions to private persons. If rape itself cannot be punished by death, *see Coker v. Georgia*, 433 U.S. 584 (1977), then surely a state which criminalizes abortion in general cannot delegate to an individual woman the decision to kill an unborn person simply because his father was a rapist. Nor, since the state itself could not execute children with severe physical or mental abnormalities, could it permit private parties to do so as long as the destruction was accomplished before birth rather than after.

Indeed, the fact that no state punishes abortion as harshly as murder, and that even such draconian statutes as Louisiana's

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2 In 1991, however, Utah passed an anti-abortion statute which, due to a loophole, could have permitted the prosecution, conviction, and execution by firing squad of a woman having an illegal abortion. *See* Anna Quindlen, *Public and Private*, N.Y. Times, Mar. 28, 1991, at A25. The law was swiftly amended to eliminate this possibility.

3 A state might be constitutionally required to permit such abortions. *Cf. Beard v. United States*, 158 U.S. 550, 559-62 (1895) (suggesting that the right of self-defense may be a fundamental aspect of Anglo-American law).

recently enacted criminalization of virtually all abortions, 1991 La. Act No. 26, § 2 (to be codified at La. Rev. Stat. § 14:87(E)(2)), exempt women who have abortions from the statute's criminal penalties, strongly suggests the abiding correctness of *Roe*'s holding: whatever the fetus' status and whatever the states' interest in potential human life, a fetus is quite simply not a person, and society does not regard it as such. And this common-sense understanding of the meaning of "person" as including only already-born human beings is further reinforced by the medical and scientific consensus.

B. *To Abandon Heightened Scrutiny of Abortion-Related Restrictions Would Be Impossible as Well as Unwise*

The premise that if *Roe* is overruled the states will be free to regulate abortion as they see fit is hopelessly naive. It ignores two central facts.

1. *This Court Will Be Faced With a Number of Serious Interstate Conflicts*

The varying responses of states over the past nineteen years show that, if *Roe* is overruled, different states can be expected to take vastly different positions regarding the contours of a woman's right to abortion. Some states may ban all abortions except those necessary to save the life or health of the mother. *See, e.g.*, Guam Public Law 20-134 (1990). Others may also permit exceptions for pregnancies resulting from rape or incest. *See, e.g.*, 1991 La. Act. No. 26. At the other end of the spectrum, some states may continue to identify a state constitutional right to abortion as broad as that delineated by this Court in *Thornburgh v. American College of Obstetricians and Gynecologists*, 476 U.S. 747 (1986). *See, e.g., In re T.W.*, 551 So.2d 1186 (Fla. 1989) (locating such a right in Florida's constitutional guarantee of privacy). And others may continue to fund even elective abortions by indigent women. *See, e.g.*,

N.Y. Times, Aug. 26, 1989, at A25, col. 5 (discussing New York City's policy of funding elective abortions).

The interests of these states are bound to come into conflict, especially given the probability that substantial numbers of women will cross state lines to seek abortions denied them in their home states. *See* U.S. Dept. of Health, Education & Welfare, Center for Disease Control, Abortion Surveillance: Annual Summary 1972, Table 4 (1974) (in 1972, over 43 percent of the 510,000 legal abortions performed in the United States were performed on women who had traveled across state lines to obtain the procedure), *reprinted in Abortion--Part 2: Hearings Before the Subcomm. on Constitutional Amendments of the Sen. Judiciary Comm.*, 93d Cong., 2d Sess. 137, 151 (1976). What one state views as its compelling interest in protecting potential human life from the moment of conception may be completely trumped in another state by the value of reproductive autonomy. And this Court will be called upon to referee that conflict in a variety of guises.

2. *This Court Will Have to Continue to Apply Heightened Scrutiny to Abortion-Related Restrictions Because of their Impingement on a Variety of Constitutional Rights*

To suppose that states seeking to lower their abortion rates will rely solely on criminalization of abortion itself is to ignore political reality: few legislators are likely to vote for measures that pose the specter of an army of women being led off to jail. Instead, states are likely to rely on an array of techniques that either deprive women of information and access to abortion, deter women from seeking abortion through the threat of non-criminal sanctions, or act upon the providers of abortion services rather than the women who seek them. Many of these techniques are likely to raise serious constitutional questions.

a. *Eighth Amendment Problems*

No state currently authorizes capital punishment for women who have abortions, and because a fetus is not a "person," any attempt to do so would clearly run afoul of *Coker v. Georgia,* 433 U.S. 584 (1977), which limits the availability of capital punishment to murder.[4] But does the Eighth Amendment impose any other limits on the degree or kind of punishment a state could mete out to doctors who perform, or women who undergo, abortions? *Cf. Harmelin v. Michigan,* 111 S.Ct. 2680 (1991) (upholding mandatory life sentence for cocaine conviction).

In *Blanton v. City of North Las Vegas,* 489 U.S. 538 (1989), this Court permitted a city to sentence someone convicted of driving while under the influence (DUI) to perform 48 hours of community service "dressed in clothing identifying him as a DUI offender." *Id.* at 544. The Court concluded that even if "the outfit is the source of some embarrassment during the 48-hour period, such a penalty will be less embarrassing and less onerous than six months in jail," *id.*, and thus this punishment could be meted out without trial by jury. Could a state require that all women who undergo abortions wear distinctive clothing (say, with a scarlet "A" across their chests) identifying themselves while performing community service?

b. *The Scope of Federal Criminal Statutes*

In *United States v. Holte,* 236 U.S. 140, 145 (1915), this Court held that a woman who willingly traveled across state lines for purposes of prostitution could be guilty of conspiracy to violate the Mann Act, 18 U.S.C. §§ 2421-22, even though she could neither commit the substantive crime nor be an accomplice. Under the Assimilative Crimes Act, 18 U.S.C. § 13(a) (1988), any person who commits an act that would be

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4 *But see supra* note 2.

punishable under state law while on federal land within the state "shall be guilty of a like offense and subject to a like punishment." Louisiana has passed a statute criminalizing most abortions but providing that its penalties shall not apply to the woman who has had the abortion. 1991 La. Act No. 26, § 2 (to be codified at La. Rev. Stat. § 14:87(E)(2)). Can the wife of an army officer stationed at Fort Polk, in Leesville, be prosecuted under 18 U.S.C. § 371 (1988) (the federal conspiracy statute) if she makes arrangements while on the base to obtain an abortion?

c. *Fourth Amendment Problems*

If states can constitutionally criminalize abortion, what restrictions, if any, will be imposed on the scope and nature of searches and seizures to obtain evidence of the "telltale signs," *Griswold v. Connecticut,* 381 U.S. 479, 485 (1965), that a woman has recently obtained an abortion? *See, e.g.,* Bernstein, *Germany Still Divided on Abortion; A Woman's Ordeal at Border,* Newsday, Mar. 11, 1991, at 5 (reporting on German women re-entering the country from the Netherlands who have been subject to vaginal searches to determine whether they have obtained abortions, which are generally illegal in Germany); *cf., e.g., Mary Beth G. v. City of Chicago,* 723 F.2d 1263 (7th Cir. 1983) (visual and vaginal cavity searches); *Rivas v. United States,* 368 F.2d 703 (9th Cir. 1966) (rectal search for contraband), *cert. denied,* 386 U.S. 945 (1967). Would the hundreds of thousands of miscarriages that occur each year also be subject to police investigation? If we cannot tolerate in a free society the prospect of police searches of the marital bed, will the Court tolerate the invasion of still more intimate precincts by states zealous to prohibit abortions?

d. *The Right to Travel*

The case law has recognized a "virtually unqualified" right to engage in interstate travel. *Califano v. Aznavorian*, 439 U.S. 170, 176 (1978); *see, e.g., Shapiro v. Thompson*, 394 U.S. 618 (1969); *United States v. Guest*, 383 U.S. 745 (1966); *Edwards v. California*, 314 U.S. 160 (1941). At the same time, however, this Court has recognized that states have a significant interest in punishing crimes that have begun within their borders regardless of where those crimes are actually consummated. *See, e.g., Heath v. Alabama*, 474 U.S. 82 (1985) (permitting Alabama to find a defendant guilty of capital murder who kidnaped the victim in Alabama and took her across the state line to Georgia before killing her). Assume Alabama criminalizes abortion except to save the life of the mother and Florida continues to recognize a state constitutional right to freedom of choice. Could Alabama prosecute one of its citizens who traveled across the state line to have an abortion in Florida? Could it restrain a citizen from leaving the state to have an abortion? *Cf.* Clarity, *Irish Court Says Girl Can Leave to Obtain Abortion in Britain*, N.Y. Times, Feb. 27, 1992, at 1 (reporting on the legal controversy surrounding the attempt by a teenage rape victim to travel from Ireland, where abortion is illegal, to England to have an abortion).

e. *First Amendment Issues*

In *Posadas de Puerto Rico Associates v. Tourism Company of Puerto Rico*, 478 U.S. 328 (1986), this Court upheld a Puerto Rican law that forbade casinos legally doing business within the Commonwealth from advertising the availability of their services to Commonwealth residents. The Court distinguished *Bigelow v. Virginia*, 421 U.S. 809 (1975) -- which had struck down a Virginia statute criminalizing the publication of advertisements regarding abortion services -- on the ground that in *Bigelow*,

> "the underlying conduct that was the subject of the advertising restrictions was constitutionally protected and could not have been prohibited by the State. Here, on the other hand, the Puerto Rico Legislature surely could have prohibited casino gambling by the residents of Puerto Rico altogether. In our view, the greater power to completely ban casino gambling necessarily includes the lesser power to ban advertising of casino gambling ...."

478 U.S. at 345-46. Can states that choose not to criminalize abortion nonetheless ban all advertising providing information about where and how to obtain abortions?[5]

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[5] It is worth noting that the federal criminal code currently contains the following provision:

> "Every written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, ... where or by whom any act or operation of any kind for the procuring or producing of abortion will be done or performed, or how or by what means abortion may be produced, whether sealed or unsealed ....
>
> "Is declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier."

18 U.S.C. § 1461 (1988). Anyone who knowingly uses the mails to send such information or who "knowingly takes any such thing from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof" faces, for the first offense, a fine of $5,000 and a five-year prison term, with a possible $10,000 fine or ten- year sentence for each subsequent offense. Can this statute withstand First Amendment challenge?

In *Rust v. Sullivan*, 111 S.Ct. 1759 (1991), this Court upheld restrictions on what doctors in Title X programs could tell their patients about abortion. If the informed-consent provisions at issue in this case were upheld, would the First Amendment provide any constraint on what a state could compel doctors to tell their patients before performing abortions?

f. *The Right to Vote*

In *Richardson v. Ramirez*, 418 U.S. 24 (1974), this Court upheld the lifetime disenfranchisement of felons against a constitutional challenge. In upholding such disenfranchisement, the Court expressly relied on *Davis v. Beason*, 133 U.S. 333 (1890). *Id.* at 39. *Davis* upheld a territorial statute that provided, among other things, that "No person ... who teaches, advises, counsels, or encourages any person or persons to become bigamists or polygamists, or to commit any other crime defined by law, ... is permitted to vote at any election, or to hold any position or office of honor, trust, or profit within this Territory." Idaho Rev. Stats. § 501. In order to cast a ballot, a voter had to swear that he or she "do[es] not and will not, publicly or privately, or in any manner whatever teach, advise, counsel or encourage any person to commit the crime of bigamy or polygamy, or any other crime defined by law, either as a religious duty or otherwise ...." Can a state disenfranchise for life all women who have abortions? And can it require all voters to take an oath that they will not advise, counsel, or encourage anyone else to have an illegal abortion?

g. *Other Substantive and Procedural Due Process Problems*

In *Paul v. Davis*, 424 U.S. 693 (1976), the Court rejected a claim that an individual has a privacy interest in the "record of an official act such as an arrest." *Id.* at 713. If *Thornburgh*'s restrictions on the gathering and dissemination of

abortion-related information are overturned, and statutes such as the reporting requirements imposed by the statute currently before this Court, *see* 18 Pa. Cons. Stat. Ann. §§ 3207, 3214, are permissible, could a state decide to publicize the names of women who have abortions?

This Court has repeatedly recognized with regard to professional licensure, including permission to practice medicine and admission to the bar, that good character requirements can be imposed. *See generally* Deborah Rhode, *Moral Character as a Professional Credential*, 94 Yale L.J. 491 (1985). Prior to *Roe*, states in fact did deny the right to practice law to persons involved in abortion-related activities. *See, e.g., In re Meyerson*, 59 A.2d 489, 495 (Md. Ct. App. 1948) (assisting in procuring an abortion is a "crime of moral turpitude" justifying a finding that an applicant lacks the good moral character required for bar admission); *In re Frankel*, 35 N.Y.S.2d 214, 215 (App. Div. 1942) (mandatory disbarment of attorney convicted of felony abortion). Can the state refuse bar admission to women who have had abortions for which they are not criminally liable under state law?

Could a state condition its granting of other public benefits upon the agreement by a recipient that she will not seek an abortion? Could a state revoke such benefits if that condition was violated? If deferential rational relationship scrutiny is applied, the answer would seem to be yes, since the prospect of losing such benefits would surely deter at least some women from having abortions. Would this Court approve denial of public-assistance benefits or pensions as a consequence of a woman's obtaining an abortion? *See, e.g., Ballurio v. Castellini*, 102 A.2d 662, 666 (N.J. App. Div. 1954) (because abortion is a crime of "moral turpitude" it justified for-cause termination of municipal street department employee and subsequent denial of his pension). And could a state put women to a Hobson's choice by denying them some public benefits for having an abortion while denying them AFDC benefits if they have additional children while on welfare? *Cf.* New Jersey Assembly Bill 4703.

In *Webster v. Reproductive Health Services,* 492 U.S. 490 (1989), the Court upheld a Missouri statute that banned the use of public facilities for performing non life-saving abortions. But the Court suggested that the situation "*might* be different" if "the State barred doctors who performed abortions in private facilities from the use of public facilities for any purpose." *Id.* at 510 n. 8 (emphasis added). If, however, neither a woman nor her doctor has any fundamental liberty interest in making abortion-related decisions, would a state be entitled to enact such a ban in order to deter doctors from performing abortions? And could a state bar doctors from its facilities for performing legal abortions in other states?

Similarly, in *Rust v. Sullivan,* 111 S.Ct. 1759 (1991), this Court upheld Title X regulations that conditioned the grant of family-planning funds upon an agreement by grantees not to engage in abortion counseling or referral. Suppose a state were to condition medical licensure or a hospital or clinic's tax exemption upon its agreement not to perform abortions or even to provide information about how to obtain legal abortions out of state. Is there any constitutional limit on the scope of conditions or gag rules?

The preceding examples show why this Court cannot abdicate its responsibility to scrutinize abortion-related legislation with extreme care. For this Court to hold that the constitutional liberty interest involved in decisions about abortion is not fundamental solves no problem: it just creates new constitutional difficulties that *Roe* had already solved. And to permit the states to deter and punish women from exercising their full panoply of constitutional rights breaks faith with the women who took to heart this Court's solemn guarantees.

CONCLUSION

The rights recognized in *Roe* and exercised since 1973 have become a defining freedom for millions of Americans. The enlightened understanding of personal dignity, autonomy, and liberty embodied in *Roe* has given modern shape to our constitutional tradition of permanent fundamental rights. To abandon *Roe* threatens serious damage to this Court's credibility, doctrinal chaos on a variety of issues, and the settled expectation of American women that the Constitution protects them in the most important decisions they may ever make. Accordingly, this Court should reverse the decision in No. 91-744 and affirm the decision in No. 91-902.

Respectfully submitted,

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Appendix A

Appendix

A-1

Abortion Rights Mobilization

Abortion Rights Mobilization is a national organization (tax exempt), dedicated to the fullest guarantee of women's right of choice. Since the Casey case represents a critical challenge to choice and privacy, ARM would like to add its voice to any amicus effect in support of the plaintiffs.

ACCORD

Accord, the Provider's Assurance and Patient Security Group, provides a variety of support services for out-patient health care professionals, many of whom are abortion providers. We view the 1988 amendments to the Pennsylvania Abortion Control Act of 1982, contained in Planned Parenthood of Southeastern Pennsylvania v. Casey, as cumbersome, unnecessary to protect the health and safety of women, and probably purely politically motivated. We urge the Court to permit health care professionals to go about the business of practicing medicine unencumbered by political restrictions designed to dissuade and/or discourage women from seeking abortion services. And finally, we strongly urge the court to enhance its protection of the right of women to choose abortion.

Action Alliance for Reproductive Rights

The Action Alliance for Reproductive Rights (AARR) is a volunteer organization of over 500 persons in Santa Cruz

County committed to defending clinics in our community which provide abortion and to protect the dignity and privacy of women seeking abortion and family planning services. The AARR has published Let Me Tell You Why, a collection of testimonies from women documenting the importance of reproductive choice is their lives.

ActionAids, Inc.

ActionAIDS in Philadelphia, Pennsylvania, provides ongoing direct services to approximately 400 of the men, women and children with symptoms of HIV disease in the Greater Philadelphia area. Additionally, we provide support and assistance to their spouses, lovers, family members and care givers. Access to comprehensive reproductive health information-including information about abortion and abortion services--can be crucially important to women who have tested positive for the AIDS virus. These women need access to such equitable medical coverage in order to have a true moral choice with regards to one of the most heartbreaking and difficult decisions--that of whether or not to bear a child who may be born with AIDS. Because women at high risk of AIDS frequently discover their own HIV-positive status as a result of giving birth to a child with AIDS, access to comprehensive reproductive health care, including abortion, becomes a matter of paramount importance. For medical, moral and emotional reasons, these women cannot reasonably be required to carry future, inadvertent pregnancies to term. Low income and adolescent women, many of whom are people of color, are in particular need of access to the federally funded family clinics that provide

comprehensive reproductive health information--including abortion services--as one of their services. Without such access, we can expect a marked increase in both unsafe, illegal abortions and AIDS infection in women and their children.

Ad Hoc Committee of American Law Professors

This brief is submitted on behalf of 299 American law professors (see Appendix B) who believe that the right of a woman to choose whether or not to bear a child, as delineated by this Court in Roe v. Wade, 410 U.S. 113 (1973), is an essential component of constitutional liberty and privacy commanding reaffirmation by this Court.

Advocates for Abortion Rights & Reproductive Freedom

The Advocates for Abortion Rights and Reproductive Freedom has been in existence for four years in northwest Essex County, New Jersey. We do grass roots organizing and educating on reproductive rights issues. We would like to participate as amicus curiae in the case of Planned Parenthood of Southeastern Pennsylvania v. Casey because we believe that the basic constitutional right to abortion must be preserved from any attempts to either restrict it or take it away.

Afrikan/American Advancement Corporation

The Afrikan/American Advancement Corporation was created to engage in activities designed to advance the efforts of African Americans to achieve justice, equality of

opportunity and parity, including lobbying local, state and national government. In keeping with its commitment to advocate equal rights for African American women, it has supported the rights of all women to exercise control over their bodies, and for full protection of the law in choosing reproductive alternatives.

Alabama Citizens for Choice

Alabama Citizens for Choice, a broad-based, statewide coalition, was formed in November of 1989 with the purpose of protecting reproductive rights in Alabama. This organization represents 17 mainstream Alabama organizations comprising about 25,000 members and still growing. We are working toward educating both the public and our elected officials about the importance of choice and reproductive freedom for all of our citizens.

Alachua County Democratic Women's Club

The Democratic Women's Club of Alachua County, Florida, consisting of approximately ninety active men and women, surveyed its membership using a scientifically designed instrument to determine the membership's position on the right to choose an abortion for an unwanted pregnancy. The response was unanimously in favor of choice. At a recent meeting the membership voted unanimously to add its name to the brief being filed by the Planned Parenthood to protect this very basic American freedom.

American Association of University Women

The American Association of University Women (AAUW), a network of 135,000 college-educated women and men promotes equity for women and girls, education and self-development to over the life-span and positive social change. The AAUW supports the right to every woman and girl to safe and comprehensive reproductive health care and believes that decisions concerning reproductive health care are personal ones that the right to make informed decisions should be available to all women.

American Ethical Union

The American Ethical Union affirms its continuing endorsement of the right of all women to choose to have an abortion. It vigorously opposes all attempts to curtail, restrict or in any way limit that right to choose, whether by act of Congress (including the denial of federal funds for medicaid abortions) or by constitutional amendment. Accordingly, the American Ethical Union reaffirms Resolutions adopted by it in 1973 and 1979 which express disapproval of efforts to amend or circumvent the Constitution so as to nullify or impede the right to choose.
American Federation of State, County and Municipal Employees

American Federation of State, County and Municipal Employees

The American Federation of State, County and Municipal Employees (AFSCME) is a labor union with 1.3 million members over half of whom are women. AFSCME represents employees in state and local government and the private non-profit sector including over 300,000 health care workers and 150,000 social service workers. AFSCME has over 101,6000 members in the Commonwealth of Pennsylvania.

American Foundation for AIDS Research (AMFAR)

The American Foundation for AIDS Research (AmFAR) is a private, not-for-profit organization dedicated to mobilizing the good will, energy and generosity of caring Americans and people throughout the world to end the AIDS/HIV epidemic. Founded in 1985, AmFAR is the leading national non-profit organization devoted to AIDS research, education and public policy projects. AmFAR serves as a catalyst by providing start-up funds for innovative projects to fight AIDS/HIV. Since its founding, AmFAR has awarded $39 million to more than 620 research teams. AmFAR's volunteer advisory committees review and select applications for funding. AmFAR-funded projects have already produced significant results. AmFar also operates a Public Policy Program, to help bring about sound legislation and government policies for combating the epidemic and protecting the rights of people with AIDS/HIV.

American Friends Service Committee

The American Friends Service Committee carries out its work as a social justice arm of the Religious Society of Friends in America. AFSC has a vital interest in this litigation because of Friends' belief in the infinite worth of each human being and in the rights of individual conscience. More than two decades ago, AFSC enunciated a position, based on these beliefs and on our many years of program work, in support of women's rights to make their own choices concerning child-bearing, abortion and sterilization. AFSC is deeply aware that the decision of whether or not to terminate a pregnancy is seldom an easy one. We believe that the women must make the choice, free of coercion, including the coercion of poverty and unavailability of services to those who cannot pay.

American Humanist Association

The American Humanist Association (AHA) is a nationwide educational-philosophical organization, founded in 1941, which places the highest priority on the rights of conscience, intellectual and religious freedom, women's rights, and the principle of separation of church and state. The AHA joins this brief out its conviction that legal restrictions on reproductive rights violate the fundamental rights of women and are an improper extension of government authority.

American Jewish Committee

The American Jewish Committee (AJC) is a national organization of 40,000 members, founded in 1906, for the purpose of protecting the civil and religious rights of Jews. The AJC believes that this goal can best be accomplished by helping to preserve the constitutional rights of all Americans, including the fundamental right of access to abortion on a voluntary basis as set forth in Roe v. Wade.

American Jewish Congress

The American Jewish Congress, an organization of American Jews founded in 1918, is dedicated to the protection of the civil liberties and civil rights of Jews and of all Americans and the promotion of the principles of constitutional democracy. Among the many activities directed to these ends, the American Jewish Congress has in the past filed amicus curiae briefs in many of the reproductive freedom cases before this Court. The American Jewish Congress believes that, in the face of the great moral and religious diversity in American society over abortion and in the light of Jewish traditions which in some cases command abortion, and in many others permit it, the existing constitutional rules, set down by Roe v. Wade, should be maintained so that the different traditions may advocate their respective views and the decision left to the individual woman, answering to God and to her conscience.

American Veterans' Committee, Inc.

The American Veterans Committee, Inc. (AVC), founded in 1943, is a national organization of veterans who served honorably in the Armed Forces of the United States in World War I, World War II, the Korean War, or the Vietnam War. AVC has filed amicus curiae briefs in many court cases expressing AVC's strong belief that discrimination based on race, color, religion, gender, or national origin is detrimental to our Nation. AVC believes that the United States Constitution entitles a pregnant woman, in light of her unique burden of pregnancy, to determine whether to terminate her pregnancy, and protects her from being subjected to discrimination when doing so.

Americans for Democratic Action

The Americans for Democratic Action (ADA) is an independent political organization which brings together civil rights and feminist leaders, academicians, business people and trade unionists, grass roots activists, elected officials, church leaders, professionals, members of Congress and many others. ADA is dedicated to the achievement of freedom, equality of opportunity, economic security and peace for all people through education and political action.

Americans for Religious Liberty

Americans for Religious Liberty (ARL) is a non-profit, nationwide educational organization whose members

represent the whole religious spectrum. ARL is dedicated to defending religious liberty, freedom of conscience, and the constitutional principle of separation of church and state. ARL joins this amicus curiae brief out of the conviction that laws limiting freedom of conscience on abortion violate fundamental individual liberties and constitutional principles.

Anti-Defamation League

The Anti-Defamation League (ADL) is a national Jewish human relations organization dedicated to principles of religious liberty and constitutional privacy. ADL views reproductive choice as an issue of fundamental personal and religious freedom. Accordingly, ADL believes that a woman's decision whether or not terminate a pregnancy should be made in accordance with her own religious and moral convictions, without government interference.

Asian Pacific Islanders for Choice

As the only organization in the country representing Asian Pacific Islanders advocating reproductive health freedom, we are extremely concerned about the potential effects which would result from an unfavorable decision on this case. Any infringement upon the right to choose may have a particularly harmful consequence on Asian Pacific Islanders, many of whom are also faced with income, language, religious and cultural barriers to complete reproductive health freedom.

Bar Association of San Francisco

The Bar Association of San Francisco is a voluntary local bar association composed of over 8500 attorneys. Among its principle purposes is ensuring the integrity of the judicial process and the orderly administration of the system of justice. To this end, the Association seeks to actively oppose attempts to effect the abandonment of longstanding constitutional precedent in areas affecting fundamental rights.

Beverly Hills Bar Association

The Beverly Hills Bar Association (BHBA) is a voluntary bar association formed on December 2, 1931 which currently has in excess of 3000 members. The members of BHBA practice primarily in the West Los Angeles area including in the City of Beverly Hills, California. BHBA is committed to the protection of individual liberties and to the promotion of respect for the legal system. BHBA believes that a reversal of the landmark decision in Roe v. Wade would impinge on individual liberties, religious freedom, the establishment clause of the First Amendment and undermine public confidence in the legal system.

B'nai B'rith Women

B'nai B'rith Women is an organization of 120,000 Jewish women who, since 1968, have advocated the right of women to choose for themselves on matters of reproduction. As members of a minority religion, BBW members are especially sensitive to keeping the state from

restricting religious freedom and, as women, BBW members have particular concerns about preserving their rights. Basic to the right of every woman is deciding when and whether to have children, and so BBW firmly support upholding these rights as outlined in Roe v. Wade.

Boston Women's Health Book Collective, Inc.

Boston Women's Health Book Collective, Inc. (BWHBC), is a non-profit women's health education and advocacy organization which seeks to empower individuals and groups to make informed personal and political decisions affecting health and medical care, especially as they relate to women. Founded in 1970, BWHBC operates a Women's Health Information Center near Boston and serves approximately 10,000 people each year. We have had a longstanding interest in reproductive rights, including access to safe, legal, affordable abortion services. Our 20 years of contact with thousands of women and their families has only reinforced our belief in the importance of contraception and abortion services for those who need and want them.

Business & Professional Women/USA

Business and Professional Women/USA (BPW/USA) is the bi-partisan voice of working women. With more than 100,000 members in 3,000 local organizations across the counter, BPW/USA promotes full participation, equity, and economic self-sufficiency for working women. We are represented in every congressional district in the county and include among our members women, men of every

age, religion, race, political party, and socioeconomic background.

California Physicians for Choice

California Physicians for Choice is an organization of physicians which is dedicated to informing the public that abortion is an option that should not be abandoned and that outlawing or restricting access to abortion would seriously interfere with the rights and duties of physicians to provide patients with the best possible health care.

California Women Lawyers

California Women Lawyers (CWL) is an organization of several thousand women lawyers founded in 1973 for the primary purpose of improving the situation of women in the State of California. CWL is committed to all issues affecting a woman's right to choice, lobbying against various parental consent bills and working with a broad-based coalition to encourage funding and support for programs supportive of choice.

California Women's Law Center

The California Women's Law Center was established in 1989 as the first Law Center in California devoted solely to addressing the civil rights of women and girls. The Women's Law Center has identified the following priorities for its work: Reproductive Rights, Sex Discrimination, Family Law, Violence Against Women and Child Care. The Women's Law Center's primary efforts in addressing

these priorities emphasize support and technical and legal assistance to legal services agencies, community based organizations, attorneys and policymakers. Protection of the right to reproductive freedom contained in the federal Constitution is one of the most significant legal issues facing women in California as well as the rest of the country. As such, it is clearly within the priority concerns of this Women's Law Center. Therefore, the California Women's Law Center not only has a significant interest in the current appeal, but brings extensive background and expertise to the issues presented to the court in this appeal.

Canadian Abortion Rights Action League

In 1974 the Canadian Abortion Rights Action League -- then called the Canadian Association for Repeal of the Abortion Law -- was formed to support Dr. Henry Morgentaler's challenge of the old abortion law. CARAL supported Dr. Morgentaler's battle politically and financially, and at the same time educated Canadians about the abortion issue so that his challenge to the law would be met by an informed and sympathetic public. We supported clinics operating outside the strict confines of the law as necessary to open up access to abortion services. CARAL grew from a group of 100 people to become a national organization with 35 chapters, thousands of individual members and 100 member organizations. Until January 28, 1988 (when the Supreme Court of Canada declared the law unconstitutional) CARAL lobbied the government to repeal the abortion law. Now we are working to keep abortion out of the

Criminal Code and to improve access to medically-insured abortion services across the country. Through education and information we seek to convince Canadian and their elected representatives that Canada does not need a new abortion law. CARAL is the only organization working full-time to keep abortion out of the Criminal Code and to protect access to abortion.

Catholics for a Free Choice

Catholics for a Free Choice (CFFC), established in 1973, is an international educational organization that supports the right to legal reproductive health care, especially family planning and abortion. CFFC also works to reduce the incidence of abortion and to increase women's choices in childbearing and childrearing through advocacy of social programs for women, families and children. CFFC believes that women from all economic levels are to be respected as moral agents who can be trusted to make decisions which support the well-being of their families, children and society and enhance their own integrity and health.

Center for Medical Consumers

The Center for Medical Consumers is an independent, non-profit organization, dedicated to helping consumers make informed choices about medical care. We believe that informed choice is the right of every citizen and that reproductive choices are no exception. We also believe that right to health care includes the right to safe and legal abortion. We therefore oppose any and all efforts to

reverse Roe v. Wade by the passage of restrictive laws by individual states that have a negative effect on a woman's right to choose.

Center for Population Options

The Center for Population Options (CPO) is a nonprofit, educational organization dedicated to improving the quality of life for adolescents by preventing unintended teenage pregnancies and too-early childbearing. CPO's domestic and international programs seek to improve adolescent decision-making through life-planning and other educational programs, to improve access to reproductive health care, to promote the development of school-based clinics, and to prevent the spread among adolescents of HIV and other sexually transmitted diseases.

Center for Women's Policy Studies

The Center for Women's Policy Studies (CWPS) is a nonprofit feminist organization founded in 1972, that is dedicated to research and advocacy to further women's rights. One of the Center's priorities is the achievement of equity n the workplace and the elimination of the glass ceiling for women. To that end, CWPS supports a broad and effective interpretation of Title VII of the Civil Rights Act of 1964, as amended.

Centre County Women's Resource Center

The Centre County Women's Resource Center is a non-profit community organization located in State

College, Pennsylvania. The Center provides shelter, legal advocacy, individual counseling and support groups for the survivors of sexual assault and domestic violence and their children. Other services include a 24-hour hotline, community education, child assault prevention programs, and a transitional housing program. In the 1990/91 fiscal year the center served approximately 979 new clients.

Chicago Catholic Women

Our goal is to work toward structural change within church and society in order to promote the full giftedness and personhood of women and a world of justice for all. We know that choice is a major part of women's rights.

CHOICE

CHOICE (Concern for Health Options: Information, Care and Education). For almost twenty years, CHOICE has been an educator, consumer advocate, counselor and information resource in the areas of reproductive health, sexuality and maternity care. Because of its background and experience in public education and counseling, CHOICE was selected by the City of Philadelphia to operate its city-wide hotline for information on AIDS. CHOICE, through its information hotlines, teen improvisational theater company, training center and publications, has pursued an organizational philosophy that decisions regarding sexuality and reproduction are highly personal, and that those very private choices should not be constrained by private or public intimidation, economic or social status, lack of relevant information or unwarranted

governmental interference.

Choice Network of Tarrant County, Tx

The Choice Network of Tarrant County, Texas, is a coalition of many different organizations and individuals who have a pro-choice position and are concerned with reproductive rights and health issues. We represent over 1000 Tarrant County Citizens, including community business and spiritual leaders. The Choice network is working to protect some very basic and important rights in are country, state and county. Our stateed purpose is to advocate for, and broaden understanding of the principal of "choice" in reproductive decision-making.

Citizens For Choice

Citizens for Choice is organized to improve the health and the educational, economic, social, cultural and political self-determination of women and girls and, in this connection, to provide information in support of women's rights and reproductive choice to women, political leaders and the general public through letters, advertisements and educational programs; to arrange, conduct, and endorse educational workshops on women's rights and women's issues; and to identify and fund women with specific health needs which cannot be met because of the more restrictive legal and political environmental illustrated by the 1989 Webster decision.

Civil Liberties and Public Policy Program at Hampshire College

The Civil Liberties and Public Policy Program is a resource for and a link between the academic community and the reproductive rights movement. The goals of the program are: to study and analyze legal, philosophical and political issues about abortion, contraception, and related concerns; to increase understanding and awareness on college campuses about reproductive rights and challenges to reproductive freedom; and to support and coordinate student participation in activist campaigns. The program maintains an interest in educating people about legislative or judicial actions which would limit or curtail the right to abortion.

Cleveland Surgi-Center, Inc.

The Cleveland Surgi-Center is an abortion clinic serving women in the States of Ohio and Pennsylvania. We are strongly in support of the plaintiffs in this action.

Coalition of Citizens for Choice

The Coalition of Citizens for Choice is a group dedicated to assuring the protection of the right of all women to choice through public awareness, advocacy, and the legislative and electoral process.

Coalition of Labor Union Women

The Coalition of Labor Union Women is America's only national organization for union women, with 75 chapters across the country and over 20,000 members representing 60 unions. By convention resolution CLUW has held that restrictions on access to the full range of family planning services and safe, legal abortion has a serious impact on the family and working lives of all women. CLUW calls for access to the full range of reproductive health care, including abortion, without restrictions based upon economic status or ability to pay.

Colorado Coalition For Choice

The Colorado Coalition for Choice is a nonpartisan organization working to affirm, promote and protect the constitutional right of privacy of the individual to make reproductive choices.

Colorado Women's Bar Association

The Colorado Women's Bar Association (CWBA) is a nonprofit professional association of more than 600 Colorado lawyers and law students. Open to all attorneys regardless of sex, the CWBA was founded in 1977 to promote the highest standards of the legal profession; to advance justice; to promote, advance, and protect the interests and welfare of women; and to pursue these goals through appropriate legal, social, and political action. The CWBA supports reproductive freedom and opposes any effort to restrict the access of women to information

necessary to make fully informed decisions about their health and their lives.

Committee to Defend Reproductive Rights

Founded in 1977, the Committee to Defend Reproductive Rights (CDRR) is a San Francisco-based non-profit organization with 1500 members. Through educational and organizing campaigns focused on such issues as the provider shortage, public funding for abortion, and parental involvement legislation, CDRR works to expand access to reproductive health care for all women.

Committee of Interns and Residents

The Committee of Interns and Residents (CIR) is the nation's oldest and largest house staff union, representing over 5000 interns, residents and fellows employed in public and voluntary health care facilities in New York, New Jersey, Maryland and Washington, D.C. As mandated by its constitution, CIR's struggle to improve residents' working conditions has been inseparable from its fight for quality patient care. The CIR strongly supports the legal right of every woman to safe birth control and abortion. The physician-patient relationship must not be impeded by regulations which interfere with the delivery of quality health care.

Connecticut Women's Education and Legal Fund

The Connecticut Women's Education and Legal Fund, Inc. was incorporated in 1973 as a non-profit public interest

law firm advocating for women's legal rights. We have over 700 members and serve thousands of people in New England each year through our community education, information and referral, public policy and advocacy programs. We choose to join this amicus curiae brief because we believe it is essential to protect the fundamental rights of women to privacy, and to the right to choose safe and legal abortion. As an organization working for equality, we believe that every woman, without regard to religious belief, income, marital status, race, age or disability must have an equal opportunity to control her own health and reproduction.

Crist Clinic for Women

The Crist Clinic for women has been concerned about women's reproductive health care for the past 20 years. The physicians at the Crist Clinic for Women lived through the era where coathangers and illegal abortions maimed young women, particularly at the college level. The sound practice of reproductive health care requires that there be available a full range of modern medical services which include safe and legal abortion. Delaying the availability of safe, legal abortion will only increase and severely impair women's health and will result in serious injury or death to many women, particularly the young teenager who is on welfare. Making choices which involves the health and welfare of women with regard to safe, legal abortion is a fundamental right for all women not only in the United States but in the world. The Crist Clinic for Women actively supports reproductive freedom.

Democratic Socialists of America (DSA)

Democratic Socialists of America is committed to building a more just and equitable society through struggles for economic democracy, equal access to the necessities of life, the equality of all people, democratic participation and protection of the environment. We work for a national health insurance program and access to health care for all; reproductive freedom; and end to racism, sexism and homophobia; a barrier-free world for the disabled; the right of working people to organize trade unions; and quality housing, food and education for all. DSA believes that reproductive freedom for women is essential to women's full and equal participation in society.

Durango OB-GYN Associates, P.C.

Durango Ob-Gyn Associates, P.C. wants to keep abortion legal. The alternative of unsafe, illegal abortions, with resulting infertility and maternal deaths, is too frightening to consider.

Everywoman Opportunity Center, Inc.

Everywoman Opportunity Center, Inc. helps women become economically self-sufficient. To be this, women must make and suffer the consequences of all their decisions. All choices must be their own without governmental or spousal interference.

Federation of Feminist Women's Health Centers

The Federation of Feminist Women's Health Centers is a nonprofit association of women's health projects and supporters. The network of women-controlled health clinics share staff, training, and resources to advocate, promote and protect reproductive rights for all women. Approximately 15,000 women, at least ten to twenty percent of whom are minors, receive abortion services at our health clinics yearly. The Federation's goal is to enable women to make informed choices about their health care and reproduction through the provision of self-help health education and gynecological services, including abortion, well-women care and birth-control. We work together and with others to ensure that all women have the information and power to control their bodies and their lives.

Federation of Reconstruction Congregations & Havurot

Although the Jewish tradition regards children as a blessing, the tradition permits the abortion of an unborn child to safeguard the life and physical and mental health of the mother. The rabbis did not take a consistent stand on the question of whether a fetus resembles a person. They did not think it possible to arrive at a final theoretical answer to the question of abortion, for that would mean nothing less than to be able to define convincingly what it means to be human. We recognize that abortion is a tragic choice. Any prospective parent must make an agonizing decision between competing claims--the fetus, health, the need to support oneself and

one's family, the need for time for a marriage to stabilize, responsibility for other children and the like. Some of us consider abortion to be immoral except under the most extraordinary circumstances. Yet we sympathize with the anguish of those who must make the decision to abort or not to abort.

Feminist Institute

The Feminist Institute promotes social change that ensures women's autonomy and independence. Our women's health policy and pro-choice projects promote public policies that ensure women's control over their own bodies. We are concerned that, as women become free from subjugation to patriarchal control within the family, they in turn not become subject to state control of their reproduction. Control over one's own body is fundamental to the exercise of personal autonomy without intervention or restriction by the government.

Feminist Women's Health Center

The Feminist Women's Health Center is a non-profit organization established by women in 1977 to advocate, promote and protect reproductive rights for all women. Our goal is to enable women to make informed choices about their health care and reproduction through the provision of self-help health education and gynecological services. We work with others locally, nationally and internationally to ensure that women have the information and power to control their bodies and their lives.

Florida Abortion Council

The Florida Abortion Council is an association of abortion providers whose purpose is to assure and protect access to reproductive health care for all women; to educate the public concerning the availability of reproductive services; and to promote safe, humane, high quality abortion services. As abortion providers, the Council knows firsthand the difficulties that waiting periods, forced parental involvement and anti-abortion lectures present for women seeking timely, confidential medical care. If the Court upholds any part of the Pennsylvania law, the privacy rights of all women all across the country will be in jeopardy.

Florida Women's Consortium

The Florida Women's Consortium is an advocacy network of organizations and individuals committed to achieving full equality and empowerment for women. We represent over 40,000 women through our 31 affiliated organizations. One of our primary goals is to achieve reproductive freedom for all women. We believe that the government should not interfere with that right. We are therefore in full support of overturning the Pennsylvania statute which places obstacles to women's freedom of choice.

Freedom of Choice, Allen County

Freedom of Choice, Allen County (FOCAL) is a group of Allen County, Ohio, residents who wish to protect reproductive rights. Members of FOCAL believe that the

real issue in abortion is not whether an individual will have an abortion, but who will make the choice. Abortion rights are related to religious freedom. Our country was build on a plurality of beliefs and this freedom must be protected. No matter how strongly some individuals hold a religious belief which is anti-abortion, they have no right to dictate this belief to other groups with differing religious values. Abortion rights are related to legal rights. The majority of Americans agree with this and believe that safe and legal abortions should continue to be available. Abortion rights are related to the empowerment of women. The decision to abort a pregnancy is a painful and very personal experience. To imply that others can better make this decision for the women affected denies these women their rights as full and independent citizens. FOCAL works to increase public awareness, build a pro-choice network of concerned voters, promote pro-choice candidates for election to public office, and preserve the reproductive right of women.

Fresno Free College Foundation

The Fresno Free College Foundation is a community organization with offices in Fresno, California. Its origin in 1968 is connected to an academic freedom case and, since that time, it has, in various ways, been supportive of academic freedom and the civil liberties of students, professors, and citizens. It owns and operates a listener-sponsored radio station which, on a daily basis, provides citizens with alternative news and public affairs programming required for a viable democratic society. Since 1968 the Fresno Free College Foundation has been

dedicated to a free and open society through the support of free inquiry and the free expression of ideas.

Gay Men's Health Crisis

Gay Men's Health Crisis (GMHC), is the nation's oldest and largest HIV/AIDS education, advocacy and service organization, providing HIV prevention education, medical information, legal services, hot meals, recreation and support services to thousands of men, women and children each year. GMHC also advocates for effective public policies and practices concerning HIV and AIDS at the city, state, and federal levels. GMHC opposes all restrictions on individuals' access to information regarding medical procedures. In addition, GMHC has advocated vigorously to protect individuals' rights to made decisions about medical risks and procedures.

Georgia Association for Women Lawyers

The Georgia Association for Women Lawyers (GAWL) represents the interests of over 400 women attorneys in the State of Georgia. GAWL has taken a public position in favor of the unfettered access of all women to safe and legal abortions.

Georgians For Choice

The purpose of Georgians for Choice is: 1.Assure access to safe, legal abortion in Georgia; 2.Assure access to safe, affordable family planning and prenatal service for women of all ages in Georgia; 3.Assure access to straightforward,

age appropriate sexuality education; 4.Assure statewide support for reproductive rights

Girls Incorporated

Girls Incorporated is a national non-profit organization that provides programs for 250,000 young people every year through 120 affiliates across the country. It is dedicated to helping girls and young women develop their capacity to be self-sufficient, responsible, economically independent citizens. Reproductive freedom is essential for girls and young women to attain independence and self sufficiency.

Hadassah, the Women's Zionist Organization of America, Inc.

Founded eighty years ago, Hadassah, the Women's Zionist Organization of America, Inc. is America's largest women's membership organization. Hadassah's mandate includes the support and strengthening of women's rights, the American Jewish community and the State of Israel. Hadassah believes that becoming a signatory to an amicus brief arguing for the reaffirmation of Roe v. Wade and its progeny is consistent with Hadassah's long-standing public commitment to women's issues, including freedom of choice.

Hard Hatted Women

Hard Hatted Women is a support and education organization for women in or seeking blue collar

nontraditional jobs. Services provided are monthly meetings, bimonthly newsletter, 24 hour phone Hotline which disperses job referrals and training program information, Speakers Bureau, and Education Services to the schools, grades K-12.

Hawaii Women Lawyers

Hawaii Women Lawyers promotes the advancement of women's equal rights. In our 15 year history, our more than 300 members have won equal access to private club memberships in Hawaii, published an award winning handbook on women rights, Our Rights, Our Lives, helped pass the nation's first parental leave law, published a brochure on parental leave, and instituted a domestic violence clearinghouse and legal hotline funded by the state judiciary to provide legal services to victims of domestic abuse.

Hollywood Policy Center

The Hollywood Policy Center (HPC) is a non-profit, tax-exempt organization whose founders and supporters represent a broad range of men and women within the entertainment industry, including actors, writers, directors, producers, musicians, studio executives, and attorneys. The HPC's agenda includes a commitment toward promoting peace, equality, human rights, freedom of expression and freedom of choice. The HPC was created to serve as a unique bridge between the entertainment industry and policy advocates by bringing the talent, commitment, and skills of our community together with

grassroots organizers and activist organizations. The HPC is committed to the belief that reproductive choice is a basic fundamental right guaranteed to all women and any restriction placed on that right is unconstitutional. The HPC and its sister organization, the Hollywood Women's Political Committee, have taken a leading role in organizing the entertainment community's contribution to securing a woman's right to choice.

Hollywood Women's Political Committee

Comprised of politically active women from film, television, and the arts, the Hollywood Women's Political Committee (HWPC) is dedicated to supporting issues, candidates, and legislation which promotes peace, equality, conservation of the environment and freedom of choice. During its brief six-year existence, the HWPC has raised over $4 million for Democratic candidates and issues in over 32 states, and has grown from 70 to 200 members. The HWPC is committed to the belief that reproductive choice is a basic fundamental right guaranteed to all women and any restrictions placed on that right are unconstitutional. The HWPC and its sister organization, the Hollywood Policy Center, have taken a leading role in organizing the entertainment community's contribution to securing a woman's right to choice.

Hope Clinic for Women, Ltd.

The Hope Clinic for Women, Ltd. is a state licensed, out-patient surgical treatment center that has specialized in abortion procedures since its establishment in 1974.

Since that time, the clinic has provided counseling and safe abortions to hundreds of thousands of women. The clinic's physicians are members of county, state and federal medical associations and societies, as well as members of the American College of Obstetrics and Gynecology and the Association of Reproductive Health Professionals.

International Ladies' Garment Workers' Union

International Ladies' Garment Workers' Union (ILGWU) is an international labor organization of approximately 175,000 members headquartered in New York and located in New York and 32 other states of the United States. More than 85% of its members are women, many of whom are minorities, and a substantial majority of whom are of child-bearing age. Many of its women members live at a low-income level. ILGWU is dedicated to, among other principles, the elimination of gender discrimination, the promotion of women in the workplace, and the constitutional guarantees declared in Roe v. Wade.

International Planned Parenthood Federation

Founded forty years ago, the International Planned Parenthood Federation (IPPF) is the world's leading voluntary family planning organization. It works to promote and support family planning as a basic human right, and to create awareness among people and governments about the benefits for the whole family of the spacing and planning of births. It also believes in the importance of balancing population and natural resources worldwide. IPPF was founded in 1952 in Bombay, India,

by eight national organizations dedicated to family planning. It is today a Federation of 107 member Family Planning Associations (FPAs) in over 130 countries.

International Projects Assistance Services

IPAS is an international non-profit organization that addresses a global issue critical to women's health -- the problem of unsafe abortion. We believe that safe voluntary abortion care should be available and accessible to every woman. Many complex factors form the context of the abortion issue, including women's sexual development, health, and childbearing patterns. Within this context, IPAS' primary mission is to promote safe, respectful abortion care, defined as: appropriate and timely treatment for abortion complications; options for safe, voluntary abortion; and comprehensive family planning counseling and services to reduce the need for abortion.

Jessie Smith Noyes Foundation

The Jessie Smith Noyes Foundation is a private foundation committed to preventing irreversible damage to the natural systems upon which all life depends, and strengthens individuals and institutions committed to building a sustainable future. To achieve these goals the Foundation makes grants in the area of Environment, and Reproductive Rights. The Foundation believes reproductive rights are essential to the dignity and equality of women, and to their role as builders of a sustainable future.

Judson Memorial Church

Judson Memorial Church is affiliated with the American Baptist Churches/USA and United Church of Christ. In the late 1960's it founded and coordinated the National Clergy Consultation Service on Abortion, an organization of some 3,000 ministers and rabbis in 30 states who counseled and referred women for what were then illegal abortions. Following the U.S. Supreme Court decision in Roe v. Wade, it functioned as a watchdog organization to ensure that all women in the United States had equal access to abortion services. Judson Memorial Church has an ongoing concern that the privacy rights of American women and their ability to make procreative choice not be further restricted by the Supreme Court.

Junior League of Brooklyn

The Junior League of Brooklyn recognizes the critical need for a just and humane environment which enables each woman to achieve her personal, professional and community goals. Specifically, we support: legislation for the equal rights of women including the ratification of the Equal Rights Amendment to the Constitution of the United States; Reproductive freedom, family planning and other health care issues pertaining to women; equal opportunities for employment and advancement; economic security and training options for homemaker; adequate child care availability; equal access to credit.

Juvenile Law Center

Juvenile Law Center (JLC) is a Pennsylvania-based public interest law firm that advocates for children who are in state custody or in need of public sector assistance. Through individual case advocacy, class litigation, legislative advocacy, training and education, JLC has achieved significant accomplishments in improving Pennsylvania's juvenile justice, children's health, child welfare, and children's mental health systems. Founded in 1975, JLC has represented hundreds of teenage women -- including teenage parents -- in foster care, mental health facilities, and delinquency placements.

Kansas State Voices for Choice

Kansas State Voices for Choice wishes to affirm our support for reproductive freedom. Kansas State Voices for Choice was started nearly two years ago at Kansas State University. We have since gained more than 130 members who are dedicated to preserving and protecting a woman's right to choose abortion. Together we have lobbied at the state capital, held rallies and marches, organized vigils commemorating the anniversary of Roe, provided information petition campaigns. We are also involved in voter registration and identification programs and local and state election campaigns for pro-choice candidates. This year we formed a pro-choice coalition with other groups in our area to produce the Flint Hills Coalition for Choice. Together with other groups in Kansas we defended our clinics in Wichita this summer against Operation Rescue.

Lambda Legal Defense and Education Fund

Lambda Legal Defense and Education fund is a national public interest law organization which advocates for the rights of lesbians and gay men through impact litigation and education. Lambda has been particularly involved in constitutional litigation to ensure that the guarantees of equal protection, due process and privacy include gay and lesbian citizens, and has a special interest in the development of independent interpretations of state constitutions. The broad guarantees of state constitutions regarding individual rights are crucial to the continued legal right of women to control their own bodies and the right of each individual to engage in intimate associations without governmental interference.

League of Women Voters of the U.S.

The League of Women Voters of the United States (LWVUS) is a nonpartisan, nonprofit, membership organization with members in all 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands. The LWVUS strongly believes that public policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices. The LWVUS has adopted the protection of the right of privacy in reproductive choices as one of its issue for emphasis during its 1990-1992 national program.

Louise Wise Services

Louise Wise Services is a voluntary, not-for-profit, New York child welfare agency. Its mission is to protect and encourage the healthy growth and development of children and their families without regard to race, religion or ethnicity. We care for children who are essentially public charges, whose parents are ill-prepared to care for them. Many of these children are early adolescents who are sexually active, and who are neither emotionally nor financially equipped to parent children of their own. Accordingly, if we are to be of help to these children, they must be able to have unrestricted access to adequate abortion services.

Lower East Side Women's Center

The Lower East Side Women's Center (LESWC) is a mutual aid organization run by and for neighborhood women. Our purpose is to exchange non-judgmental support and information from neighbor to neighbor on a wide range of issues of concern to Lower East Side women: Health care, immigration, employment, education, AIDS prevention, housing, and much more. Our goal is to empower women with access to information, resources, and mutual support in order to be their own advocates. This empowerment will lead women to recognizing their individual and collective power to effect systemic change and taking action to improve the quality of life for themselves, their families, and the community.

Lymphoma Foundation of America

The Lymphoma Foundation of America is a nonprofit charitable organization that assists cancer patients and their families. Lymphoma is a form of cancer which afflicts 25,000 new people each year. We believe that it is critical that all individuals seeking medical care and counseling have direct access to those services without roadblocks and constraints. In our experience working with families we have found that the best decisions are made in an atmosphere that is not coercive or burdensome for the individual at risk. That is why we oppose the law at issue in this case.

Management Sciences for Health, Inc.

Management Sciences for Health, Inc. is an organization committed to the promotion of maternal and child health. MSH's work includes analysis of obstacles to access to health care and of the harmful effects of such impediments. The statute at issue in this case places obstacles in the way of women seeking important health care and puts their health at risk for no health-related reason. MSH opposes such efforts to coerce women to make different health and life choices.

Marie Stopes International

Marie Stopes International, founded in 1973, is the largest non-governmental provider of family planning services in Britain, and supports full-service birth control programs in fifteen other countries, including India, Sri Lanka,

Indonesia, the Philippines, Bangladesh and Kenya. In all countries in which it works, the organization is deeply concerned with the administrative, legislative and judicial issues that restrict the fundamental human right of the individual to all forms of birth control.

Massachusetts Judicial Consent for Minors Lawyer Referral Panel

The Massachusetts Judicial Consent for Minors Lawyer Referral Panel is a volunteer association of over two hundred Massachusetts lawyers who for the last eight years have represented more than 9000 pregnant minors seeking judicial consent for an abortion (in lieu of parental consent) under Mass. Gen. Laws ch. 112.

Minnesota Women Lawyers, Inc.

Minnesota Women Lawyers, Inc. is over 900 lawyers, judges, law students and law firms committed to enhancing the status, influence and effectiveness of women lawyers and promoting social issues of concern to women lawyers. The mission of Minnesota Women Lawyers is to assist women in the legal profession to further their careers and to balance their professional and personal lives. The organization provides a forum for discussion and identification of the unique, changing needs of women lawyers and provides the means to advocate changes in the profession which are responsive to these unique needs. MWL's Statement of Positions states that: MWL supports a woman's right to choose in all areas of her reproductive life, including abortion.

Missouri Women's Network

The Missouri Women's Network supports the right of every woman to choose what happens to her body. This should not be denied to any woman regardless of where she resides, the color of her skin, her age, or anything else. The denial of rights of any kind to women will only increase the probability that, in the future, women will have no rights.

Ms. Foundation For Women

The Ms. Foundation For Women is the nation's only public, multi-issue, women's fund. The Foundation has long recognized that the extent to which women can control their reproductive capacities is a principal factor in determining the quality and character of their lives; this is especially true for poor women and women of color, who are often the first victims of anti-choice legislation. The Ms. Foundation for Women has been responding to attacks on reproductive freedom with a combination of grantmaking, technical assistance, and advocacy since its founding almost 15 years ago.

Multicultural Alliance for Reproductive Freedom

The Multicultural Alliance for Reproductive Freedom is a network of individuals and organizations of all colors who believe in the fundamental right of all women to all aspects of reproductive freedom. This idea of freedom is inclusive of unrestricted access to full medical care including the right to choose to have an abortion. It is

toward this idea of freedom that we lend our support in filing this friend of the court brief, in the hope that this right to choose is never restricted in any way.

Na'amat/USA

Na'amat is an international organization with over 750,000 members supporting the rights of women and children, including a woman's right to choose abortion. Na'amat/USA advocates a progressive legislative agenda for women in the United States.

National Abortion Federation

National Abortion Federation (NAF), founded in 1977, is a not-for-profit professional association of abortion service providers. NAF members include more than 260 abortion clinics operating in 45 states, the District of Columbia, and Puerto Rico, as well as some individual physicians who provide abortion services in their offices. Many NAF members provide, in addition to abortions, a variety of other reproductive health services, including fertility counseling, prenatal care, contraception, and sterilization. NAF has a vital interest in promoting high quality reproductive health services that are safe, accessible, and affordable. For example, NAF offers post-graduate medical seminars, accredited by the Accreditation Council for Continuing Medical Education, on the prevention and management of abortion-related complications. In addition, NAF has promulgated standards applicable to its members to promote the safety and quality of all standards in consultation with a standing committee of recognized

experts on the medical, nursing, counseling, ethical, and administrative aspects of reproductive health services. This standing committee periodically reviews the standards and modifies them when appropriate in light of changes in medical science and technology. On occasion, NAF has consulted with health departments and legislative bodies to promote awareness of its standards for quality care.

National Abortion Rights Action League (NARAL)

The National Abortion Rights Action League (NARAL) has over 500,000 members nationwide. Founded in 1969, NARAL is the largest organization dedicated primarily to keeping abortion safe, legal and accessible to all women. NARAL recognizes that constitutional protection for the right to choose abortion, and access to a full range of reproductive heal care is critical to women's ability to participate fully and equally in society.

National Association of Women Lawyers

The National Association of Women Lawyers (NAWL), founded in 1899, is a voluntary national membership organization of the legal profession, having official representation in various organizations, commissions and governmental agencies, both national and international. It is comprised of approximately 1200 individual members and numerous women's bar association affiliate members (encompassing several thousand additional members) across the country. Its individual members, from each state and the District of Columbia, include prosecutors, public defenders, private attorneys, trial and appellate

judges from the state and federal courts, legislators, law professors, and law students. Although the members of the NAWL hold a broad spectrum of views, they share a common concern that the law be administered justly, fairly and predictably. As an organization made up primarily of women, it is a supporter of women's rights. As an organization of attorneys, it supports the integrity of the justice system.

National Clearinghouse on Marital and Date Rape

The National Clearinghouse on Marital and Date Rape is a fee-based phone consultation, research, document delivery and speaker service. We consider ourselves the heirs of the Movement for Voluntary Motherhood of the nineteenth century. The date and marital rape survivors we see are rarely experiencing their first assaults and many of them are pregnant as the result of rape, including rape by husbands, boyfriends, and fathers. Our work in the area of marital rape is based on a belief in the importance of a woman's bodily integrity and we are against the ownership by anyone of a woman's body, including ownership by her husband.

National Coalition of American Nuns

The National Coalition of American Nuns is dedicated to studying, working on, and speaking out on issues related to human rights and social justice. We believe that reproductive choice is a right for all women.

National Conference of Women Bar Associations

National Conference of Women's Bar Associations (NCWBA) is a nonprofit, incorporated network of 50,000 female and male attorneys, with an emphasis on grass-roots, local organizations. NCWBA membership is open to state, regional and local women's bar associations, sections of establishment bars, associations of women law students, and individuals who are admitted to the practice of law. Since its inception in 1981, NCWBA has taken legal, social and political action to promote and protect the interests of women, to improve the status of women within the legal community, to advance justice and to promote the highest standards of the legal profession.

National Council for Research on Women

The National Council for Research on Women is an independent association of established centers and organizations that provide institutional resources for feminist research, policy analysis, and educational programs for women and girls. The Council also works to strengthen ties with other national and international organizations and coalitions. Through its member centers and affiliates, the Council links over 2000 women and men scholars and practitioners in this country and abroad and serves constituencies that include government, the media, business and industry, and the nonprofit sector, as well as the academic community and the general public.

National Council of Jewish Women

National Council of Jewish Women, founded in 1893 and numbering 100,000 members across the United States, is dedicated, in the spirit of Judaism, to advancing human welfare and the democratic way of life through a combination of social action, education and community service. It has adopted a National Resolution to work for the "protection of every female's right to choose abortion, and the elimination of obstacles that limit reproductive freedom."

National Education Association

The National Education Association (NEA) is a nationwide employee organization with a current membership of over 2 million members, the vast majority of whom are employed by public education institutions. One of the principal purposes of NEA is to protect the constitutional rights of its members, approximately 60% of whom are female. By action of its Representative Assembly, which is NEA's highest governing body, NEA supports the right to reproductive freedom, which is implicated in this case.

National Lawyers Guild

The National Lawyers Guild is a legal organization of over 10,000 lawyers, legal workers and law students in the United States. Since its founding in 1937, the Guild has provided legal support to virtually every struggle in this country for economic, social and political justice. The

Guild is firmly committed to and works actively to protect the rights of all peoples, specifically the fundamental right of privacy for all women in choosing whether or not to bear children.

National Republican Coalition for Choice

The National Republican Coalition for Choice (NRCC), founded in 1989 in the wake of the Webster decision, is a nonprofit, political organization dedicated to the promotion of pro-choice candidates within the Republican party and the furtherance of a pro-choice platform.

National Women's Conference Committee

The National Women's Conference Committee is the authority constitute under Public Law 94-167 as guardians and monitors of the 1977 National Plan of Action of Women. It fully supports a woman's right to choose abortion. This position was affirmed overwhelmingly by demographically proportionate elected delegates to the only federally-sponsored National Women's Conference.

National Women's Health Network

The National Women's Health Network (NWHN) in Washington, D.C. represents over 8,000 individual and 300 institutional members. The membership is composed of women, including providers, consumers, physicians, professional women, older women and women of color. The Network is a resource on health issues, providing information to members of congress involved in health

issues and testimony to the Food and Drug Administration on issues affecting women's health. It is also an advocacy organization representing the needs of its members for access to and information about abortion.

National Women's Law Center

The National Women's Law Center is a Washington-based legal organization which has been working since 1972 to advance and protect women's legal rights. The Center's primary goal is to ensure that public and private sector practices and policies better reflect the needs and rights of women. The fundamental right to abortion recognized in Roe v. Wade is of profound importance to the lives, health, and safety of women throughout the country. Because of the tremendous significance to women of the freedom to choose whether to bear children, the National Women's Law Center seeks to preserve women's right to abortion.

National Women's Political Caucus

The National Women's Political Caucus is a membership based organization committed to getting more women elected and appointed to public office -- pro-choice women who support and promote issues of concern to all women and their families. NWPC also provides a strong advocacy voice for women's issues in Washington, DC and state capitals across the county.

New England Health Care Employees Union

The New England Health Care Employees Union, District 1199/SEIU represents 18,000 health care professionals, paraprofessionals, and service and maintenance workers in Connecticut and Rhode Island. The fight for decent working standards and the struggle to guarantee health care for all are both integral parts of 1199's mission. 1199 opposes any efforts which would effectively deny abortion to women of color, and to young women, and supports the rights of patients and practitioners to determine the course of reproductive care.

New Hampshire Women's Lobby

The New Hampshire Women's Lobby is a non-partisan, state-wide membership organization whose purpose is to promote public policy which improves the economic and social status of New Hampshire women and families.

New Jewish Agenda

The New Jewish Agenda (NJA) is a national organization headquartered in New York City committed to progressive human values and the building of a shared vision of Jewish life. We affirm the value of life and the right of all children to be born into a loving and caring environment. Women should be free to choose when and under what conditions they bring life into the world. The question of a woman's right to have an abortion involves complex moral and religious issues. In the case of Jewish law, abortion is not only permitted but mandated in certain

circumstances. NJA will fight to retain safe, legal abortions and opposes depriving poor people of choices available to others.

New York Federation of Reform Synagogues/UAHC

The New York Federation of Reform Synagogues representing 104 Reform Synagogues in the greater New York area including the five boroughs, Long Island, Westchester, Putnam and Dutchess counties, and Fairfield County in Southern Connecticut, has long championed the right of a woman to choose in all matters that concern her health and mental well-being. Included in this right is her freedom to have an abortion. We are concerned that in the case of Planned Parenthood of Southeastern Pennsylvania v. Casey, this right will be endangered, therefore we join as an Amicus.

Northwest Indiana Pro-Choice Alliance

Northwest Indiana Pro-Choice Alliance was founded in 1989 after the Webster decision. It was felt at that time that more emphasis be place on protecting reproductive freedom and educating the public about abortion/abortion rights. We have the continuing support of organizations such as PPNENWI, (Planned Parenthood) ICLU (Calumet chapter) Indiana NOW (Porter Co. Chapter and State) and various pro-choice groups on area campuses. We are in this for the long haul! We continue to be diligent watchdogs for choice in Indiana and nationwide.

Northwest Women's Law Center

The Northwest Women's Law Center is a non-profit, public interest law organization in Seattle, Washington, that works to advance legal rights for women. It does this through litigation, legislative advocacy, education, and providing legal information and referrals. Since its inception in 1978, the Law Center has worked extensively in the area of reproductive rights and has joined briefs in numerous reproductive rights cases before the U.S. Supreme Court.

National Organization for Women

National Organization for Women (NOW) is the largest feminist organization in the United States. NOW's purpose is to bring full equality to women. Fundamental to NOW's purpose is the right of women to control their own bodies and to determine if and when to bear children. Women's right to reproductive freedom impacts not only their right to privacy, but also their health and safety. NOW has a strong interest in any case such as this one that involves women's basic rights and liberties. As a defender of women's rights, NOW believes that it has an absolute need and right to address the fundamental issue in the case of Planned Parenthood of Southeastern Pennsylvania v. Casey: whether women will continue to make fundamental decisions regarding reproduction or whether that role will be usurped by the state.

New York City Commission on the Status of Women

The New York City Commission on the Status of Women is an advisory board to the Mayor on issues concerning women. We are strongly committed to ensuring the equitable treatment of women in all areas, and oppose any activities that limit the ability of women to act in their own best interests, or infringe on their civil rights. We are supportive of all aspects of the Pro-Choice movement, and strongly favor the Plaintiffs' position in the case of Planned Parenthood of Southeastern Pennsylvania v. Casey.

New York State Coalition on Women's Legal Issues

New York State Coalition on Women's Legal Issues (COWLI) is a statewide organization established to identify and eradicate gender bias, which is pervasive in our society. Among its other purposes, COWLI offers practical and substantive expertise and commentary on the effects on women of existing laws and of proposed legislation. COWLI also provides special assistance to the courts by drawing attention to the deleterious effects on women of biased implementation of laws. COWLI is committed to ensuring reproductive freedom for all, as well as gender equality in the courts.

Oakhurst Presbyterian Church

Oakhurst Presbyterian Church is a bi-racial community of faith which also crosses class barriers. We are strongly in support of a woman's right to choose an abortion. We believe that abortion is never a good option, but it is

sometimes a necessary option. We believe that the issue of reproductive rights is central to the fundamental truth that women must be seen as equal under the law. Our belief grows out of our Christian faith because God has created all people with equal dignity. We have great concern that Planned Parenthood of Southeastern Pennsylvania v. Casey and the federal appeals court ruling challenging Roe v. Wade are a threat to the equal dignity of women. We urge the U.S. Supreme Court to re-establish Roe v. Wade as the law of the land.

Pathfinder International

Pathfinder International, founded in 1957, is dedicated to ensuring the availability of family planning services for those in need throughout the developing world. Its activities include exploring new service delivery mechanisms, local institution building, training family planning providers, and providing contraceptive supplies. In both the United States and overseas Pathfinder addresses public policy issues that affect the availability of safe and effective family planning services.

People for the American Way

People for the American Way (PFAW), is a nonpartisan, education-oriented citizen's organization established to promote and protect civil and constitutional rights. Founded in 1980 by a group of religious, civic, and educational leaders devoted to the nation's heritage of tolerance and pluralism, PFAW now has 300,000 members nationwide. The organization's primary mission is to

educate the public on the vital importance of the democratic tradition and to defend it against attacks from those who would seek to limit our constitutional and civil liberties enshrined in the Bill of Rights, particularly our First Amendment and privacy rights.

Planned Parenthood Federation of America, Inc.

Planned Parenthood Federation of America, Inc. (PPFA) a not-for-profit corporation organized in 1922, is the leading national voluntary public health organization in the field of family planning. Currently, PPFA has 174 affiliates in 47 states, operating approximately 879 family planning clinics. PPFA affiliates offer a wide range of services relating to reproductive health, including abortion, contraception, sterilization, infertility care, diagnosis and treatment of sexually transmitted diseases, prenatal care, and counseling on all aspects of reproductive health. Eighty-five PPFA clinics offer abortion services as part of their program. All PPFA affiliates that do not perform abortions themselves offer counseling and referral for such services.

Population Communication

Population Communication is an international, nonprofit organization which communicates population and environmental messages to world leaders through books, reports, mailings, news releases, and motion pictures. During the last twelve years it has obtained the support of forty-eight world leaders for a Statement of Population Stabilization.

Population Council

The Population Council, an international, nonprofit organization established in 1952, undertakes social and health science programs and research relevant to developing countries and conducts biomedical research to develop and improve contraceptive technology. The Council provides advice and technical assistance to governments, international agencies, and nongovernmental organizations; and it disseminates information on population issues through publications, conferences, seminars, and workshops. The issues in Planned Parenthood of Southeastern Pennsylvania v. Carey affect the work of the Population Council vitally.

Population Crisis Committee

Population Crisis Committee (PCC), based in Washington, D.C., seeks to increase public awareness of the need for the reduction of population growth rates through voluntary family planning. PCC supports privately funded projects in developing countries that provide medical training in the treatment of abortion complications and menstrual regulation procedures. PCC conducts authoritative analyses of United States population assistance programs, one of which has been a comprehensive study of the impact of current United States abortion restrictions on family planning programs overseas.

Population Services International

Population Services International (PSI) is a non-profit organization that delivers contraception to the poor in twenty developing countries in Asia, Africa, and Latin America.

Population-Environment Balance

Population-Environment Balance is a nonprofit membership organization dedicated to safeguarding the "carrying capacity" of the United States -- the number of individuals that can be supported without reducing the ability of the environment to sustain our quality of life over the long term -- by stabilizing population size and protecting the environment.

Preterm Cleveland

Preterm is a non-profit, tax exempt clinic focusing on humanized and individualized reproductive health care for women. Preterm opened in 1974. It has a staff of 60 and performs over 7,000 abortions per year. Foundation grants and private donations make it possible to subsidize those unable to pay the full fee. 35% of patients are on welfare. Over 49% of patients receive some subsidy in order to have an abortion at Preterm. The provisions in the Pennsylvania law would be punitive and abusive for patients seeking care at Preterm.

Program for the Introduction and Adaptation of Contraceptive Technology

The Program for the Introduction and Adaptation of Contraceptive Technology (PIACT) is a nonprofit, nongovernmental, international organization whose mission is to improve health, especially the health of women and children in developing countries. PIACT focuses on the availability, effectiveness, safety, and appropriateness of technologies for health and family planning.

Queens Bench

Queen's Bench is a non-profit professional organization of approximately 450 lawyers and judges in and around the San Francisco Bay Area. Established in 1921, Queen's Bench is one of the oldest organizations dedicated to serving the needs of women lawyers and judges. Our membership strongly supports a woman's right to abortion, and opposes any coercive effort by the government to interfere with that fundamental right.

Radical Women

Radical Women is a feminist organization dedicated to the complete social, political, and economic equality of women. We believe that this cannot be achieved without the full right to control our bodies. We furthermore believe that this right should be guaranteed by the Constitution and that no restrictions must be permitted to encroach on it.

Religious Coalition for Abortion Rights

The Religious Coalition for Abortion Rights is a non-profit, non-partisan coalition of 35 national protestant, Jewish, and other faith groups committed to preserving reproductive rights as an integral component of religious liberty. Each denomination and faith group represented among us approaches the issue of abortion from the unique perspective of its own theology with members holding widely varying viewpoints as when abortion is morally justified. It is exactly this plurality of religious beliefs which leads us to the conviction that the abortion decision must remain with the woman, to be made on the basis of conscience and personal religious principles and free from government interference.

Reproductive Health Services

Reproductive Health Services (RHS) is a Missouri nonprofit, federal tax exempt corporation with its principal office in St. Louis, Missouri. RHS offers to its patients a broad range of counseling, gynecological and family planning services, including the provision of contraceptive and abortion services. RHS provides abortion services up to twenty-one weeks gestational age up to one-third of which are offered at a reduced fee, and is the largest abortion provider within the State of Missouri.

Reproductive Rights Education Project

The Reproductive Rights Education Project at Hunter College is a joint project of the Women's Studies and

Community Health Education Programs established in 1990. Its goals are: to develop academic and community-based strategies for promoting women's access to vital reproductive health services; to provide education, career and leadership opportunities for students interested in reproductive health issues; to create working links between academics, professionals, and policy and advocacy organizations who seek to secure women's reproductive rights and health; and to participate in international research and advocacy initiatives to define women's reproductive rights and health as basic human rights across lines of class, race, and nationality. As a project that particularly serves young women, we are greatly concerned that the Supreme Court uphold the right of all women to safe, legal abortion and that restrictions -- legal, political and financial -- on women's access to abortion services be eliminated.

Reproductive Rights Task Force of the Wisconsin Women's Network

The Reproductive Rights Task Force (RRTF) of the Wisconsin Women's Network wishes to be listed on an amicus curiae brief to Planned Parenthood of Southeastern Pennsylvania v. Casey. The RRTF is a statewide coalition of pro-choice groups working to promote public policy that assures women a full range of choices regarding reproductive rights and an atmosphere in which those rights can be exercised. It is our belief that the restrictions in question in this case directly conflict with the stated mission of the RRTF. For this reason, we wish to be included on the amicus curiae brief.

San Francisco Women Lawyers Alliance

The San Francisco Women Lawyers' Alliance is a progressive, activist bar organization founded in 1983 to provide a vehicle through which lawyers can address women's issues and enhance the position of women in our society. One of the issues of particular concern to the Alliance is freedom of choice and the protection of reproductive rights for all women.

Santa Cruz County Board of Supervisors

The State of California is divided into counties which are legal subdivisions of the state (California Constitution Article 11, Section 1). Santa Cruz County is one of the counties within the State of California (California Government Code Section 23012). The elected governing body for the County of Santa Cruz is the board of supervisors, and only the board is authorized to exercise the powers of the county (California Government Code Section 23005). Any decision by the United States Supreme Court which eliminates the right of women to make their own decisions concerning reproductive health matters could have serious consequences on the County of Santa Cruz as a provider of public health services.

Sex Information and Education Council of the U.S.

SIECUS, the Sex Information and Education Council of the U.S., is a twenty five year old national not-for-profit organization headquartered in New York. SIECUS affirms that sexuality is a natural and healthy part of living and

advocates the right of individuals to make responsible sexual choices. SIECUS provides information services to professionals, students, and members of the general public across the United States. SIECUS deplores any attempts to undermine women's reproductive health rights. The SIECUS Board of Directors has passed a position statement supporting the right to choose abortion, which states in part, "SIECUS believes a woman is entitled to have full knowledge of alternatives available to her and to have complete and unbiased information and counseling concerning the nature, the consequences, and the risks, both of the abortion procedure, and of pregnancy and childbirth."

Sierra Club

The Sierra Club, founded in 1892, is a nonprofit conservation organization with approximately 580,000 members nationwide. The goals of the Sierra Club are, among others, to practice and promote responsible uses of the earth's ecosystems and resources, and to educate and enlist all people to protect and restore the quality of the natural and human environment. Voluntary efforts to slow population growth are an essential part of any effort to protect the environment, sustain the ability of the earth to support life, and enhance the quality of life for human beings. The Sierra Club supports giving all individuals the widest possible choice in how to make the best decision for themselves on how to regulate their own fertility, based on their own conscience and conditions. The withdrawal of a woman's fundamental right to choose to have an abortion will not only set back family planning in this country, it will

also discourage efforts in other countries, particularly developing countries that may view the United States as a model, to improve women's and children's health and to promote sustainable development through balancing population with natural resources.

South Mountain Women's Health Alliance

South Mountain Women's Health Alliance (SMWHA) is a non-profit tax-exempt corporation organized for charitable purposes to provide counseling, education, referral, follow-up and direct aid, either financial or transportation to assure women access to all options regarding reproductive health choices, particularly abortion services. SMWHA performs educational outreach programs to groups to raise awareness of the need to keep abortion a legal and safe alternative to unwanted pregnancy; but also to teach citizens skills which raise self-esteem and feelings of worth and capability deemed essential to the prevention of unwanted pregnancy and escalation of serious life crises. SMWHA monitors and advocates public policies which promote freedom of choice and responsibility in health care decisions especially in the areas of reproductive health and sexually transmitted diseases. SMWHA establishes liaisons with other health care providers including public health, mental health, social services and other community groups and private practitioners to insure both practical and legal aspects of a woman's freedom of choice in health care matters in general and abortion services in particular are maintained.

Southern Students for Choice

Southern Students for Choice (SSC) is an all-volunteer, student-run, Florida-chartered nonprofit corporation, organized in 1989 with the mission of advancing the accessibility and provision of comprehensive reproductive health care and family planning services by student service projects. SSC believes that legal restrictions on provision and accessibility of abortion services, and related information and referral services, pose an especially great threat to young women and they and their significant others will be among the people most threatened by the rapid rate of change in reproductive health care and family planning service quality following enactment of laws restricting provision and accessibility of abortion-related services.

Staten Island Medical Group

The Staten Island Medical Group is a multi-specialty prepaid group practice HMO of approximately 60 physician providers. We are committed to women's reproductive rights as articulated in the United States Supreme Court decision in the case of Roe v. Wade. We wish to lend our voice in opposition to any effort which might encumber those rights, including the Pennsylvania Abortion Statute which restricts a women's constitutional guarantee to bear or not to bear a child.

Summit Women's Center West

Summit Women's Center West is a health care facility providing a range of routine gynecologic services to women in an environment which respects their dignity, intelligence, and privacy. We affirm the right of all women to make non-coerced, informed decisions regarding their reproductive health.

Transnational Family Research Institute

Transnational Family Research Institute (TFRI) is a multidisclipinary, nongovernmental, and nonprofit research organization in the behavioral sciences. TFRI develops and conducts research in reproductive behavior, often in cooperation with colleagues abroad. Research interest focus is on the behavioral regulation of fertility, motivations for pregnancy resolution, and the decision making process. TFRI currently has offices in Palo Alto, California; Copenhagen, Denmark; Mexico City, Mexico; and Bangkok, Thailand. Since 1972, the Institute has published Abortion Research Notes, reviewing scientific literature related to pregnancy termination.

Tucson Women's Commission

The Tucson Women's Commission was founded in late 1975 by the Mayor and Council of the City of Tucson to assist women in attaining full equality of opportunity in all aspects of life. The Tucson Women's Commission also maintains that public policy in the best interest of women will support a full range of options, information, and

services so that every woman has the ability to make her own decision about when, whether, and under what conditions to bear a child.

Unitarian Universalist Association

Unitarian Universalist Association (UUA) is a voluntary religious association of 1000 congregations in the United States and abroad dedicated to the principles of free faith, the right to an individual conscience and to the promotion of the inherent worth and dignity of every person. UUA has long advocated the right of every woman to decide whether she should bear a child. We believe that the issue of abortion is morally complex and thus must be decided by each individual and remain a legal option. UUA firmly believes that circumscription or prohibition of the right to terminate a pregnancy by qualified medical practitioners is an affront to human life and dignity. In the last two decades, UUA has repeatedly affirmed its belief that women of any age or marital or economic status have the right to have an abortion upon medical/social consultation of her choosing.

United Church of Christ Coordinating Center for Women in Church and Society

The United Church of Christ Coordinating Center for Women in Church and Society is mandated to be an advocate for women in seeking to achieve a society and a Church that empower, respect, and nurture women. The Coordinating Center for Women and the General Synod of the United Church of Christ have historically affirmed

respect for human life in all its forms; have recognized a diversity of religious viewpoints regarding access to abortion; have affirmed women as competent agents of moral decision-making; and have recognized the pregnant woman as the person finally responsible for decisions regarding carrying her pregnancy to term.

United States Student Association

United States Student Association (USSA) is a nationwide nonprofit membership organization which represents approximately two million students at approximately 200 colleges and universities throughout the United States. USSA has a strong commitment to ensuring access to higher education and the right to self-determination for all individuals regardless of age, gender, economic status, race, disability, sexual/affectional orientation, or veteran status.

United Synagogue of Conservative Judaism

The United Synagogue of Conservative Judaism, founded in 1913, is the association of Conservative Jewish congregations in North American, today consisting of over 800 affiliated synagogues and over one-and-a-half-million members. It is an international policy-making organization working to formulate a religious response to pressing social, religious and educational issues relating to such subjects as homelessness, substance abuse, AIDS, and access for people with disabilities.

UU's for Choice

The Assembly accepted a perfecting-session recommendation to substitute for the proposal title, in the Final Agenda, Against Mandatory Motherhood, a new version, which was amended as follows and passed by voice vote. Whereas, every female should be accorded the right to decide whether or not she should bear a child, whereas, contraceptive methods are not perfect and do not absolutely protect against pregnancy, and whereas, abortion can be a relatively simple and safe way to terminate a pregnancy, therefore be it resolved, that the delegates at the 1975 General Assembly of the Unitarian Universalist Association reaffirm the right of any female of any age or marital or economic status to have an abortion at her own request upon medical/social consultation of her own choosing; and urge all Unitarian Universalists in the Unites States to resist through their elected representatives the efforts now under way by some members of the Congress of the United States and State legislatures to curtail that right by constitutional amendment or other means. And be it further resolved that we urge all Unitarian Universalists and all Unitarian Universalist societies in Canada through the Canadian Unitarian Council to continue to strive for making these rights available in Canada.

Voters for Choice

Voters For Choice is a national, independent, bipartisan, and pro-choice political action committee. In order to preserve access to safe and legal abortion for all women,

Voters For Choice works to elect pro-choice candidates to federal and state-level offices.

Washington Women United

Washington Women United (WWU), founded in 1978, is a private nonprofit organization whose purpose is to lobby the Washington State Legislature on issues of concern to women. Reproductive choice is WWU's first legislative priority. The organization has opposed state legislation that would limit a woman's reproductive choice. WWU is also active in a state coalition that has worked to maintain Medicaid funds for abortion.

Westchester People's Action Coalition

WESPAC lobbies, pickets, rallies and joins in whatever legal efforts have come to our attention to protect a woman's constitutional right to choose abortion and to reproductive freedom.

Women Employed

Women Employed is a national organization of working women, based in Chicago, with a membership of 2000. Since 1973, the organization has assisted thousands of working women with problems of sex discrimination. Women Employed works to empower women to improve their economic status and to remove barriers to economic equity through advocacy, direct service and public education. Women Employed strongly believes that any limitation on women's reproductive rights will have a

profoundly negative impact on women's opportunities to achieve economic equity.

Women Lawyers' Association of Los Angeles

The Women Lawyers' Association of Los Angeles (hereinafter referred to as WLALA) is a 72 year old local voluntary Bar Association that has as members over 1200 female and male lawyers, judges, and law students who are personally and professionally concerned with the importance of preserving a woman's right to choose for herself whether to terminate a pregnancy.

Women Lawyers Association of Michigan

The Women Lawyers Association of Michigan is a state-wide 1,100 member professional association, founded in 1919 for the purposes of securing the rights of women in society, advancing the interests of women lawyers, improving the administration of justice, and promoting equality and social justice for all people. It adopted a pro-choice policy many years ago, believing it fundamental that constitutional privacy rights protect individuals from governmental intrusion into reproductive decision-making.

Women U.S.A.

Women U.S.A., Inc. is a non-profit information and educational organization dedicated to promoting equal rights, equal opportunities and freedom of choice in reproductive rights for women.

Women's Alliance For Theology, Ethics and Ritual

The Women's Alliance for Theology, Ethics and Ritual (WATER): is a nonprofit educational center that empowers women and men to be religious agents. The cofounders/co-directors work with an interfaith team of ministers, activists and professors to bring about change and move toward inclusivity in church and society. Through programs, projects and publications, WATER provides women and men with resources to foster equality and create a discipleship of equals. WATER is committed to equality and choice for all women, especially for poor women. WATER constituents come from a variety of backgrounds and sets of beliefs on reproductive rights. But the values of free discussion, legal options and religious pluralism are prized among us. We urge this for society as a whole.

Women's American ORT

Women's American ORT has long held a pro-choice position on the issue of reproductive freedom, and believes that any erosion of the rights articulated in Roe v. Wade will be corrosive to fundamental individual liberties. Women's American ORT, and its more than 1000 chapters throughout the United States believe that when and whether to bear a child is a woman's private decision, and oppose any attempts to narrow the opportunity for women to control their lives and be free from all levels of government intervention in arriving at this decision.

Women's Bar Association of Massachusetts

The Women's Bar Association of Massachusetts (WBA) has over 1,000 members. The WBA is committed to the advancement of women attorneys and to the protection of all women in the legal system. Since its foundling in 1978, the WBA has been particularly concerned with the protection of a woman's right to choice. It has filed amicus briefs in cases concerning public funding of abortion, restrictions on family planning agencies, and the rights of minors to abortion. The WBA also sponsors a panel of attorneys who represents minors seeking judicial consent for abortion and is a member of the Massachusetts Coalition for Choice.

Women's Bar Association of Illinois

The Women's Bar Association of Illinois (WBAI) was founded in 1914 for the purpose of promoting and fostering the interests and welfare of women and women attorneys and to maintain the honor and dignity of the legal profession. WBAI's 1000 members have long campaigned for individual rights and liberties, including the right of women to make reproductive decisions free from governmental interference. WBAI has filed briefs amicus curiae before this Court on behalf of parties whose rights were in jeopardy.

Women's Bar Association of the State of New York

The Women's Bar Association of the State of New York (WBASNY) (which includes: the women's bar associations

of Bronx County, Brooklyn, Capital District, Central New York, Mid-Hudson, Nassau, Orange/Sullivan, Queens, Greater Rochester, Rockland, Staten Island, Westchester, and Western New York) is an organization of over 3000 attorneys throughout the state. Founded in 1980, its stated purposes include the following: to cooperate with, aid and support organizations and causes which advance the status and progress of women in the society; to facilitate the administration of justice; and to cultivate the science of jurisprudence. The members of WBASNY support the principles enunciated in Roe v. Wade, including the recognition of a constitutionally guaranteed right to privacy.

Women's Business Development Center

Women's Business Development Center provides services and programs that support and accelerate women's business ownership and strengthen the impact of women on the economy. The Center is an advocate for women's economic and business development.

Women's Center at the University of Connecticut

The mission of the Women's Center at the University of Connecticut is to educate members of the university community about women's and gender issues, advocate for women's concerns on campus and through the state, be a catalyst for changes which result in greater gender equity in education, conduct institutional research and advocacy which promotes equity for women, and be a liaison to the administration, faculty, staff, student body, and community.

Because certain groups of women (women of color, women with disabilities, lesbians, poor women, older women) face particular challenges in educational, political, economic, and social settings, the Center focuses special attention on achieving equity for these groups. The Women's Center services include: ongoing discussion and support groups, workshops, cultural events, speakers, conferences and films, advocacy, a rape education program, and an extensive library.

Women's City Club of New York

The Women's City Club of New York, a nonpartisan, civic organization formed in 1916, has long held the position that the right to a legal abortion be available to all women regardless of income and without condition.

Women's Health Action and Mobilization

Women's Health Action and Mobilization (WHAM!) is a direct action group committed to demanding, securing and defending absolute reproductive freedom and quality health care for ALL women. Founded in 1989 after the Webster decision, WHAM! coordinates clinic defense in the New York metropolitan area and organizes demonstrations, civil disobedience, workshops, trainings and educational forums to call attention to and confront a variety of women's health issues, including Title X restrictions, parental consent laws, access to drug trials and experimental treatments for women with AIDS/HIV, and the Catholic Church's increased attacks on abortion rights. WHAM! believes that access to quality health care is a

fundamental human right.

Women's Health Education Project

Women's Health Education Project is a non-profit organization dedicated to providing access to self help and preventive health care information for low income women, especially for women living in homeless and battered women's shelters. In this capacity, we support low income women in advocating on their own behalf to get adequate medical care and to gain access to services. We are particularly interested in participating as amicus curiae in the case of Planned Parenthood v. Casey because it potentially impacts most severely on low income women. Low income women traditionally are the ones who suffer the most from any restrictions placed on access to abortion. It is lack of economic means which deny women the flexibility to gain access to safe abortions regardless of restrictions, for example, to be able to travel out of state, or to be free from work and to be able to travel freely to and from clinics for multiple appointment.

Women's International League for Peace and Freedom

The Women's International League for Peace and Freedom was founded in 1915, it has stood for freedom and equality. Choice and control over one's own life and decisions are integral aspects of freedom and equality. To overturn Roe v. Wade or to limit in any way women's -- and especially poor women's -- access to abortion would be the gravest infringement upon the rights and opportunities for women to be truly free, equal, and self-

defined. In 110 chapters across the U.S. and in 28 countries, WILPF works for a world free of racism and sexism; the building of a constructive peace through world disarmament; and the changing of government policies to meet human needs.

Women's Law Center, Inc.

The Women's Law Center, Inc. is an advocacy organization whose membership consists of attorneys and judges in the State of Maryland. In existence since 1971, the goal of the Women's Law Center is to promote legal rights for women. The Women's Law Center believes the restrictions at issue in Planned Parenthood of Southeastern Pennsylvania v. Casey pose a critical threat to the reproductive rights of women.

Women's Legal Defense Fund

The Women's Legal Defense Fund (WLDF) is a non-profit national advocacy organization that works at the federal and state levels to promote policies that offer equal opportunity to women, respond to women's basic economic and health needs, and enable women and men to participate fully in family and community life. Specifically in the area of reproductive freedom, WLDF participates in major reproductive rights and health cases, advocates for reproductive rights and health care for women before Congress, and provides policy options about reproductive health policies to federal and state legislators.

Women's Medical Centers, LTD.

Women's Medical Centers, Ltd. is a private medical practice located in Dayton and Cincinnati, Ohio, with physicians who specialize in gynecological care, including birth control and abortions.

Women's Medical Clinic

The Women's Medical Clinic is a private group practice specializing in gynecology. We are interested in retaining the right to abortion access for all American women.

Women's Rights Coalition of Oregon

The Women's Rights Coalition of Oregon is an active legislative effort composed of more than sixty local and statewide organizations across the State of Oregon. Founded in 1973 the Coalition brings together a wide range of service, professional, and advocacy groups who have the common belief that Oregon women should have equal rights and reproductive freedom.

Worldwatch Institute

Founded in 1974, Worldwatch Institute is designed to inform policy-makers and the public about the complex links between the world economy, social change, and the integrity of environmental support systems. Research focuses on a wide array of topics of importance to the concept of sustainable development, including among these the issues of health, human rights, and reproductive choice.

YWCA of the U.S.A.

The Young Women's Christian Association of the U.S.A. (YWCA), a national membership organization, has been an advocate for women and girls since the mid 1850's. Again at its 1991 Convention in Atlanta, the YWCA of the U.S.A. made reproductive freedom of choice a public policy priority necessary to fulfill its mission, the empowerment of women. Therefore, the YWCA of the U.S.A. supports the position taken in this amicus curiae brief.

Zero Population Growth

Zero Population Growth is a national membership organization working to achieve a sustainable balance between the earth's population, environment and resources. Through education and advocacy, the organization promotes voluntary efforts to stabilize population growth and to stop overconsumption of our natural resources by changing U.S. public policies attitudes, and behavior.

Appendix B

Appendix

B-1

Ad Hoc Committee of American Law Professors[1]

Kathryn Abrams, Boston University
Alice Alexander, Northeastern University
William L. Andreen, University of Alabama School of Law
Fran Ansley, University of Tennessee College of Law
Susan Apel, Vermont Law School
John S. Applegate, University of Cincinnati
Susan Frelich Appleton, Washington University
Jennifer Arlen, Emery Law School
Frank Askin, Rutgers Law School
Barbara Ann Atwood, College of Law
Brook K. Baker, Northeastern University School of Law
Susan Bandes, DePaul University
William Banks, Syracuse University College of Law
Elizabeth Bartholet, Harvard University Law School
Mary Becker, University of Chicago Law School
Stephen Befort, University of Minnesota Law School
Deborah Hodges Bell, University of Mississippi School of Law
Leslie Bender, College of Law
Robert W. Benson, Loyola Law School
Vivian Berger, Columbia University School of Law
Herbert Bernhardt, University of Baltimore
Dennis Bires, The University of Tulsa
Barbara Black, Vice Dean, Pace University School of Law
Catherine Blackburn, University of Louisville

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[1]Law school names are for the purpose of identification only. Amici are the individual professors whose names appear.

Marianne Blair, University of Tulsa
Chris Blair, The University of Tulsa
Susan Block-Lieb, Seton Hall Univ. Law School
Grace Ganz Blumberg, University of California
Theodore Blumoff, Mercer University Law School
Kathleen Boozang, Seton Hall School of Law
James Boskey, Seton Hall University
Amelia Boss, Temple Law School
Cynthia Bowman, Northwestern University School of Law
Bruce A. Boyer, Northwestern University Law School
James Boyle, Harvard Law School
Jean Braucher, University of Cincinnati
Paul Brietzke, Valparaiso University
John C. Brittain, University of Connecticut
Katherine Broderick, University of the District of Columbia
Mark Brodin, Boston College Law School
Jennifer Brooks, Harvard Law School
Karen Brown, Brooklyn Law School
Judith Olans Brown, Northeastern University School of Law
John Burkhoff, University of Pittsburgh
John Burkoff, University of Pittsburgh
Barbara Burnett, Syracuse University College of Law
Michael Burns, Nova University Law Center
Carole Butler, Capital University
Robert Calhoun, Jr., Golden Gate Law School
M. Susan Carlson, Washington University
Leah Chanin, Mercer University Law School
Marguerite Chapman, The University of Tulsa College of Law
Thomas Christensen, New York University

Richard Chused, Georgetown University Law Center
Roger S. Clark, Rutgers
David M. Cobin, Hamline University
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Liz Ryan Cole, Vermont Law School
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Laura Cooper, University of Minnesota Law School
Corinne Cooper, University of Missouri
Laura Cooper, University of Minnesota Law School
Wes Daniels, University of Miami School of Law
Nancy Dart, University of Connecticut
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Michael Davis, Cleveland State University
Sandra DeGraw, South Texas College of Law
Michael DeVito, Golden Gate University
Martha Bakos Dietz, Brooklyn Law School
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Norman Dorsen, New York University
Donald Dunn, Western New England
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Jane Ellis, University of Washington
Leslie Espinoza, University of Arizona College of Law
Debra Evenson, DePaul Univ. College of Law
David Faigman, University of California
Cynthia Farina, Cornell Law School
Paul Ferber, Vermont Law School
Mary Ferrari, University of Bridgeport

Nancy Fink, Brooklyn Law School
David B. Firestone, Vermont Law School
Harry Fletcher, University of Pittsburgh
William Fletcher, University of California
Caroline Forell, University of Oregon
Teree Foster, University of Oklahoma College of Law
Leslie Pickering Francis, University of Utah
Eric Freedman, Hofstra Unviersity
Eric T. Freyfogle, University of Illinois
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Lawrence Frolik, University of Pittsburgh
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Paula Galowitz, New York University
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Howard Glickstein, Tuoro College Jacob D. Fuchsberg Law Center
Howard Glickstein, Touro Law School
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Bailey Kuklin, Brooklyn Law School
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Linda Lacey, The University of Tulsa
Renee Landers, Boston College Law School
John Larson, Florida State University
Jane Larson, Northwestern University Law School
Edith Lavin, Golden Gate University
Sylvia Law, NYU Law School
David Leibson, Univ. of Louisville School of Law
John Leubsdorf, Rutgers Law School - Newark
Stephanie Levin, Western New England College School of Law
Alan Levine, Hofstra University School of Law
David Levine, University of California
Barbara Lewis, University of Louisville
Susan E. Looper Friedman, Capital University Law School
Jennifer Lyman, Washington College of Law
Catherine Mahern, Texas Southern University
Karl Manheim, Loyola Law School
Isabel Marcus, Law School State University of NY
Elizabeth Phillips Marsh, University of Bridgeport

William Marsh, Indiana University School of Law
Calvin Massey, University of California
M. Minette Massey, University of Miami School of Law
Taylor Mattis, University of Miami
Judith Maute, University of Oklahoma Law
Therese Maynard, Loyola Law School
Kamilla Mazanec, Northern Kentucky University
Banks McDowell, Washburn University
Judith McKelvey, Golden Gate University
Alan Meisel, University of Pittsburgh
Michael Mello, Vermont Law School
Michael Meltsner, Northeastern University School of Law
Saul Mendolovitz, Rutgers Law School
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Bruce Miller, Western N.E. College School of Law
Mauro Montoya, Jr., District of Columbia School of Law
Martha I. Morgan, University of Alabama School of Law
Ellen Morgan, Northwestern University School of Law
Suzanne Mounts, Univ. of San Francisco, School of Law
Sean Murray, University of Dayton
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Ruth Roemer, University of California
Celina Romany, New York Law School
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David Rudovsky, University of Pennsylvania Law School
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Ann Shalleck, American University
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Norman Singer, University of Alabama School of Law
Frank F. Skillern, Texas Tech. University
Robert Smith, Boston College Law School
J. Eric Smithburn, Notre Dame Law School
John Rockwell Snowden, University of Nebraska
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